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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIRST DAY

House Chamber, Olympia, Monday, January 14, 2002

The House of Representatives was called to order for the 2002 Regular Session of the Fifty Seventh Legislature at 12:00 Noon by Chief Clerk Cynthia Zehnder. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Joint Services Color Guard. The Chief Clerk led the chamber in the Pledge of Allegiance. The National Anthem was sung by Ronell Richardson. Prayer was offered by Mr. Joe Harris, St. Vincent De Paul, Seattle.

Mr. Harris: "Lord, you have brought us together today in the midst of trials and considerable difficulties. The tragedy of September 11th reminds us that we live in a frail and uncertain world that is often afflicted by evil events. The present recession with its attendant economic suffering makes problems in the State of Washington seem insoluble.

In this demanding and troublesome setting, give us the wisdom to know that we need to look beyond our own efforts and listen to the voices of friends and colleagues and finally to you, Lord, to learn the direction we must show to all the people of the State.

Give us compassion to realize that many who approach government for help are truly suffering.

Finally, grants us a sense of peace that we might realized that our efforts do aid all of the citizens of the State.

We ask for this help in the name of our Lord. Amen."

The Chief Clerk requested Representatives Carrell and Jackley to escort Justice Charles Johnson of the Supreme Court of the State of Washington to the Rostrum.

MESSAGE FROM THE SECRETARY OF STATE

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

Mr. Speaker:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of persons elected to fill un-expired terms for the office of State Representative at the State General Election held in the State of Washington on the sixth day of November, 2001, as shown by the official returns of said election now on file in the office of the Secretary of State;

DISTRICT COUNTIES REPRESENTED NAME

No. 21 Snohomish (part) Brian Sullivan
No. 38 Snohomish (part) Jean Berkey

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia this 14th day of January, 2002.

SAM REED
Secretary of State

MESSAGES FROM KING COUNTY

January 9, 2002

The Honorable Speaker of the House
Washington State House of Representatives
Legislative Building
Olympia Washington 98504

Mr. Speaker:

On January 7, 2002, the King County Council appointed Maralyn Chase to the vacancy in the 32nd District of the House of Representatives created by the election of Carolyn Edmonds to the 1st District of the King County Council.

Sincerely,

Anne Noris
Clerk of the Council

January 9, 2002

The Honorable Speaker of the House
Washington State House of Representatives
Legislative Building
Olympia Washington 98504

Mr. Speaker:

On January 7, 2002, the King County Council appointed Toni Lysen to the vacancy in the 34th District of the House of Representatives created by the resignation of Erik Poulsen.

Sincerely,

Anne Noris
Clerk of the Council

January 9, 2002

The Honorable Speaker of the House
Washington State House of Representatives
Legislative Building
Olympia Washington 98504

Mr. Speaker:

On January 7, 2002, the King County Council appointed Toby Nixon to the vacancy in the 45th District of the House of Representatives created by the election of Kathy Lambert to the 3rd District of the King County Council.

Sincerely,

Anne Noris
Clerk of the Council

January 9, 2002

The Honorable Speaker of the House
Washington State House of Representatives
Legislative Building
Olympia Washington 98504

Mr. Speaker:

On January 7, 2002, the King County Council appointed Dave Upthegrove to the vacancy in the 33rd District of the House of Representatives created by the resignation Karen Keiser.

Sincerely,

Anne Noris
Clerk of the Council

MESSAGE FROM CLARK, LEWIS & COWLITZ COUNTIES

January 4, 2002

The Honorable Speaker of the House
Washington House of Representatives
Legislative Building
Olympia Washington 98504

Mr. Speaker:

The boards of County Commissioners of Clark, Lewis and Cowlitz Counties did meet jointly at 9:30 a.m., January 4, 2002, at the Cowlitz County Administration Building, Commissioners' Hearing Room, 207 Fourth Avenue North, Kelso, Washington to select a successor for the House seat vacated by the resignation of John Pennington (R), in the 18th Legislative District.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the boards of Commissioners of Clark, Lewis and Cowlitz Counties do hereby appoint Edmund Orcutt to fill the 18th Legislative District House vacancy.

Sincerely,

Board of Commissioners, Cowlitz County
Board of Commissioners, Clark County
Board of Commissioners, Lewis County

MESSAGE FROM BENTON, GRANT, KITTITAS & YAKIMA COUNTIES

December 7, 2001

Speaker of the House
Washington State House of Representatives
Legislative Building
Olympia Washington 98501

Mr. Speaker:

This letter is to inform you that the Board of County Commissioners of Benton, Grant, Kittitas and Yakima Counties, acting under the authority granted by the Constitution and Laws of the State of Washington, have appointed Janea Holmquist to fulfill the unexpired term of Representative Gary Chandler of the 13th Legislative District.

Sincerely,

LeRoy C. Allison, Chairman
Board of Grant County Commissioners
and Joint Meeting

The Chief Clerk introduced new Representatives Jean Berkey, Maralyn Chase, Janea Holmquist, Toni Lysen, Toby Nixon, Ed Orcutt, Brian Sullivan and Dave Upthegrove to the Chamber, and asked the members acknowledge them.

RESOLUTION

HOUSE RESOLUTION NO. 2001-4674, by Representatives Kessler and Mastin

BE IT RESOLVED, By the House of Representatives of the State of Washington, That House Resolution No. 4600, the permanent Rules of the House of Representatives, be amended as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES FIFTY-SEVENTH LEGISLATURE 2001-2002

HOUSE RULE NO.

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** Reading of Bills
- Rule 11** Amendments
- Rule 12** Final Passage
- Rule 13** Hour of Meeting, Roll Call and Quorum
- Rule 14** Daily Calendar and Order of Business
- Rule 15** Motions
- Rule 16** Members Right to Debate
- Rule 17** Rules of Debate
- Rule 18** Ending of Debate - Previous Question
- Rule 19** Voting
- Rule 20** Reconsideration
- Rule 21** Call of the House
- Rule 22** Appeal from Decision of Chair
- Rule 23** Standing Committees
- Rule 24** Duties of Committees
- Rule 25** Standing Committees - Expenses - Subpoena Power
- Rule 26** Vetoed Bills
- Rule 27** Suspension of Compensation
- Rule 28** Smoking
- Rule 29** Parliamentary Rules
- Rule 30** Standing Rules Amendment
- Rule 31** Rules to Apply for Assembly
- Rule 32** Legislative Mailings
- Rule 33** Liquor

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs from the majority party of the house and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Duties of Employees

Rule 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;
Members of the senate;
State elected officials;
Officers and authorized employees of the legislature;
Former members of the house who are not advocating any pending or proposed legislation;
Representatives of the press;
Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee.

Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any member or member-elect may prefile a bill with the chief clerk commencing twenty (20) days before any session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

Reading of Bills

Rule 10. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time

and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 11. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 12. Rules relating to bills on final passage are as follows:

(A) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(B) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 13. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 14. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 15. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

- Adjourn
- Adjourn to a time certain
- Recess to a time certain
- Reconsider
- Demand for division
- Question of privilege
- Orders of the day

(2) Subsidiary motions:

- First rank: Question of consideration
- Second rank: To lay on the table
- Third rank: For the previous question
- Fourth rank: To postpone to a day certain
 - To commit or recommit
 - To postpone indefinitely
- Fifth rank: To amend

(3) Incidental motions:

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

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 16. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

Rules of Debate

Rule 17. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 18. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval

of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 19. (A) **PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) **ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) **CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) **PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: **PROVIDED, HOWEVER,** That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

Reconsideration

Rule 20. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: **PROVIDED,** That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the

house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken. A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 21. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) **HOUSE UNDER CALL.** While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 22. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

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

1. Agriculture & Ecology ~~((14))~~ 13
2. Appropriations ~~((32))~~ 25
3. Capital Budget ~~((18))~~ 17
4. Children & Family Services ~~((10))~~ 9
5. Commerce & Labor ~~((8))~~ 7
6. Criminal Justice & Corrections ~~((8))~~ 7
7. Education ~~((14))~~ 11
8. Finance ~~((10))~~ 11
9. Financial Institutions & Insurance ~~((12))~~ 11

10. Health Care ((14)) 11
11. Higher Education ((8)) 9
12. Judiciary ((10)) 9
13. Juvenile Justice & Family Law ((8)) 7
14. Local Government & Housing ((12)) 11
15. Natural Resources ((12)) 11
16. Rules ((20)) 21
17. State Government ((8)) 7
18. Technology, Telecommunications & Energy ((16)) 19
19. Trade & Economic Development ((12)) 9
20. Transportation ((30)) 27

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

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be

recorded on the committee report and spread upon the journal. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation committees.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

Standing Committees - Expenses - Subpoena Power

Rule 25. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

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

Vetoed Bills

Rule 26. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 27. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing

would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 28. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Parliamentary Rules

Rule 29. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 30. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

Rules to Apply for Assembly

Rule 31. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Mailings

Rule 32. The house of representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

Liquor

Rule 33. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

~~((APPENDIX TO HOUSE RULES~~

~~The House of Representatives of the fifty-seventh legislature, being composed of an equal number of members of each major political party, acknowledges that this extraordinary circumstance requires extraordinary rules of procedure which provide for bipartisan control and responsibility, ensure fairness, and promote cooperation.~~

~~The following Appendix Rules A-1 through A-7 shall not be operative in the event that a candidate for speaker receives a constitutional majority of the votes of the membership of the House, or in the event the House is composed of fifty or more members of the same major political party.~~

~~RULE A 1. HOUSE RULES~~

~~Reed's Parliamentary Rules and the Rules of the House of Representatives are hereby superseded to the extent they are inconsistent with the rules set forth in this appendix.~~

~~All references to speaker, speaker pro tempore, or chief clerk in Reed's Parliamentary Rules or the House Rules shall be held to refer to the co-speakers, co-speakers pro tempore, and co-chief clerks, respectively.~~

~~RULE A 2. ELECTION OF OFFICERS~~

~~The House shall elect the following officers at the commencement of the fifty-seventh legislature: Co-speakers, who shall be styled democratic speaker and republican speaker, co-speakers pro tempore, who shall be styled democratic speaker pro tempore and republican speaker pro tempore, and co-chief clerks.~~

~~In all elections each member shall be allowed one vote and the two candidates receiving the highest number of votes shall be declared elected.~~

~~RULE A 3. DUTIES OF OFFICERS~~

~~(A) Co-Speakers—The co-speakers shall jointly perform the duties and responsibilities of the speaker of the House and may represent the entire house in that capacity. The powers of the speaker may not be exercised individually by a co-speaker without the prior agreement of both co-speakers.~~

~~The co-speakers shall agree upon a procedure for dividing the duties of the chair and may jointly designate a co-speaker pro tempore, co-chief clerk, or any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. All acts, resolutions, and other documents requiring the signature of the speaker shall be signed by both co-speakers.~~

~~Decisions regarding administration and operation of the House of Representatives shall be made jointly by the co-speakers or their designees. These decisions shall include, but not be limited to: Referral of bills to committee; appointment of conference committees; approval of house expenditures; approval of travel; decisions on points of order; employment and removal of employees; and designation of persons who shall act as representatives for the public press.~~

~~(B) Co-Chief Clerks—The co-chief clerks shall jointly perform the duties and responsibilities of the chief clerk of the House of Representatives. The powers of the chief clerk may not be exercised individually by a co-chief clerk without the prior agreement of both co-chief clerks. All acts, resolutions, and other documents requiring the signature of the chief clerk shall be signed by both chief clerks.~~

~~RULE A 4. COMMITTEES~~

~~The various standing committees of the House of Representatives shall have co-chairs, a democratic chair named by the democratic caucus and a republican chair named by the republican caucus.~~

~~The co-chairs shall jointly perform the duties and responsibilities of the committee chair, including committee administration, staff assignments, and scheduling. The co-chairs shall agree upon a procedure for dividing the duties of presiding at committee meetings. The powers of the chair may not be exercised individually by a co-chair without the prior agreement of both co-chairs. Each co-chair shall jointly have the right to close debate as provided in Rules 16(C) and 18.~~

~~Notwithstanding the above provisions of this rule, each co-chair may individually schedule two public hearings of the committee as follows:~~

~~(1) The public hearing may only be on bills referred to the committee.~~

~~(2) The public hearing must be held during the time regularly scheduled for the committee and must have been given the notice normally required of public hearings.~~

~~(3) One full meeting shall be made available to each co chair during the time which house bills may be considered. This option must be exercised more than three regularly scheduled meetings before the cutoff of House bill consideration by the committee.~~

~~(4) The last half of one meeting shall be made available to each co chair during the time which Senate bills may be considered. This option must be exercised more than two regularly scheduled meetings before the cutoff of Senate bill consideration by the committee.~~

~~(5) A co chair wishing to individually schedule a public hearing shall submit notice in writing to the co chief clerks stating the specific date, time, and subject matter of the hearing. The co chief clerks shall record such meeting requests in the order in which they are received.~~

~~RULE A 5. VOTING REQUIREMENTS AND PROCEDURES~~

~~Notwithstanding any other provision of the Rules of the House of Representatives, a constitutional majority of the members elected shall be required, for adoption of any motion, resolution, or memorial unless a greater majority is required by the Rules of the House or the Constitution: PROVIDED, That the motions to adjourn, recess, and dispense with the call of the House may be adopted by a majority of the members present: PROVIDED FURTHER, That an oral roll call may be ordered, a division called for, or a call of the House demanded as provided in Rules 19(F), 19(H), and 21 respectively.~~

~~A vote by a majority of the membership of the standing committee, as defined in Rule 23 shall be required for adoption of any motion, majority report, resolution or memorial unless a greater majority is required by the Rules of the House or the Constitution: PROVIDED, That the motions to adjourn and recess may be adopted by a majority of the members present: PROVIDED FURTHER, That a roll call may be ordered as provided for in Rule 24(D)(5).~~

~~When the electric roll call machine is used, the members shall be given at least one and one-half minutes to vote. This time limitation may be waived by a majority vote of the members elected before the vote is commenced.~~

~~RULE A 6. HOUSE ADMINISTRATION~~

~~All vouchers for payrolls and expenses of the House shall be signed by both co chief clerks.~~

~~All supplies for the use of the House shall be furnished upon requisitions signed by both co chief clerks.~~

~~RULE A 7. CLOSING DEBATE/CO PRIME SPONSORS~~

~~If a bill is introduced with co prime sponsors, both co prime sponsors may have the privilege of closing debate if it is consistent with Rule 16(C) (Limitation of Debate) and Rule 18 (Previous Question).))~~

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4674 was adopted.

ELECTION OF SPEAKER

The Chief Clerk announced that nominations were in order for Speaker of the House of Representatives.

Representative Gombosky: ""Madam Chief Clerk, members of the House, honored guests, it is my privilege and honor to place the name of Representative Frank Chopp in nomination to be Speaker of the Washington State House of Representatives.

I want to talk about some of the qualities that I think Representative Chopp hold that would make him an outstanding leader for our State House of Representatives. Whether serving in the minority or under shared governance, Representative Chopp has been a continual advocate for constructive and innovative approaches to the many of the different policy challenges we face in Washington State. In 1997 as a new member of the House, I watched Representative Chopp on the House Appropriations Committee at a time when nationwide and in our own State, we considering changes to Federal welfare policy. The Welfare Reform Legislation that was passed during that year included a new program, an innovated approach that has been recognized by many national organizations as the community jobs program; a program that has literally turned welfare checks into pay checks for the some of the poorest citizens in our State. And at the same time provided them an opportunity to serve in many different community organizations to provide valuable services to many different aspects of the challenges that we face in our State.

This is one example of what Representative Chopp was able to do as a member of the minority party.

As Co-Speaker of the State House of Representatives there has been a lot of attention on many of the things we were able to address and a good deal of the attention on many things that we were not able to address. But a couple of the things we were able to address have received a significant amount of attention. Among those reforms to the State Unemployment Insurance laws that has provided valuable training to many people who are in declining industries throughout our State. And tax savings to numerous employers whether from urban areas, rural areas, from Eastern Washington or Western Washington. From the very beginning that I have been in this Chamber, Frank has advocated that the best way that we make public policy is by not pitting one group of citizens in our State against another. And not focusing on the differences that are often very real and often very important. But by recognizing that we share is much more important than what separates us. And it's that credo, that idea, that we share more than we don't but we have more in common than what we don't; let whether we are from urban areas, from rural areas, from suburban areas, from East or from West, the best public policy we make is when we work together for one Washington.

It is with that in mind that it is my pleasure to nominate Frank Chopp to be Speaker of the State House of Representatives.

Thank you, Madam Chief Clerk."

MOTIONS

On motion of Representative Kessler, the nominations for Speaker of the House were closed.

On motion of Representative Kessler, a unanimous ballot was cast for Representative Frank Chopp as Speaker of the House.

The Chief Clerk appointed Representative Gombosky to escort Speaker-elect Chopp to the Rostrum.

Justice Johnson administered the oath of office to Speaker Chopp.

SPEAKER'S REMARKS

Speaker Chopp: "Welcome again to the people's House. Thanks Jeff for your nominating speech. And thanks to my colleagues for electing me Speaker of the House.

Thanks also to Majority Leader Lynn Kessler, who three years ago joined with me to lead our caucus. You are a tremendous partner and an absolute joy to be around.

I'd also like to recognize my mom, my wife, Nancy, my son Narayan, my daughter Ellie, and members of my family.

Many say this will be the most challenging session in decades. Well, let's put things in perspective. Think of the challenges faced everyday by people across our state...

– The teacher helping his students meet the tough new academic standards.

- The engineer laid off from her job after 24 years with the company.
- The small business owner losing sleep worrying about cash flow.
- The farmer watching the latest bad news in the international markets.
- The father stuck in traffic stressed out about being late to pick up his daughter.
- The police chief dealing with the aftermath of another fatality on the state road nicknamed the "Highway of Death."
- The young sergeant defending our security in Afghanistan.

These are but a few of the challenges being talked about at the kitchen table, in homes across our state. So when we, in this House, address the challenges confronting us this session, let's keep in mind the challenges our people face each and every day. We have to make some tough choices – just like a family balancing their budget in lean times. Some things will have to wait. Some things we will do without. Some things will be done differently. We'll focus on what is truly essential. We will get through these hard times, while also working to give our people hope for a better future.

Government can't solve every problem. We need a practical balance that centers on the basics like education, economic opportunity, and getting us where we need to go. Our agenda for this session is an agenda for greater security, opportunity, and mobility.

Security: No right of the people is more basic than the right to feel free and safe in your own home, place of work, or school. But our old assumptions about security were shaken by September 11th. To ensure that our security is not taken for granted, we have created a Select Committee on Community Security. It will assess our needs, and make improvements where we must, in response to terrorism or natural disasters. And we will increase our community security without diminishing our individual liberties. Community security is important.

But if you ask people on the street, most would say they're more worried about *financial* security. And that's why *opportunity* is an essential part of our agenda.

From the adoption of our state constitution to the passage of Initiative 728, the people of Washington have made it clear that education is the paramount duty of state government. And parents, teachers, and students should know that we will protect the achievements being made in our schools. I-728 is achieving *exactly* what the people intended when they passed it. In Yelm, it has meant full-day kindergarten classes. In the Central Valley, class sizes are smaller. In Everett, it's reduced class sizes to *less* than 20 students in the early grades. In Raymond, preschool programs were tripled. In Spokane – 86 new classroom teachers were hired. Wherever you look, the people's mandate for better schools is being fulfilled.

Protecting these gains is only part of an opportunity agenda.

Workers who've been laid off are wondering when will they have a job again. By strengthening work-force training, doors to new opportunities will be open to them, and businesses will have the skilled workers they need to compete in today's global economy.

But even good training won't guarantee good jobs, unless thriving businesses have good jobs to offer. Ask any businessman or woman if we need to make Washington's business climate more competitive. The answer will be a resounding "Yes." They'll tell you that if you want to speed up economic recovery, reduce the time it takes to get a permit. We have to slash needless red tape -- without sacrificing the environment or other public goals. The Washington Competitiveness Council has proposed many reforms that will expand business and job opportunities. To focus through on these efforts, House Democrats have created a task force on competitiveness. And we will work for solutions that our businesses and workers need.

But as important as it is to improve the regulatory environment, the Council's top priority is a solution to our transportation crisis! No more urgent problem faces us! It's robbing time from families. It's robbing billions of dollars from Washington's businesses each year. And it is limiting opportunities. If we're going to create a better business climate, and improve the quality of life for our kids, then we must build our transportation system. It's a tall order, because a real transportation plan can't just be a revenue package. The public's made that clear. They want more efficiencies, greater value for their dollars, and more local control. As a first step, in the *first* week, we intend to have a vote on the efficiency reforms recommended by the Blue Ribbon Commission on Transportation. And we will work to provide regional tools to deal with regional gridlock.

But let's be realistic, folks. The transportation system we need cannot be built without more money. Anyone who says otherwise is misleading people. My hope is that we'll build for our future by remembering our past. For decades, transportation has been a bi-partisan effort. We have to recapture that spirit to succeed.

Let's remember that in the middle of the Great Depression – in times far worse than we face today – our parents and grandparents built the dams that power our state. Their vision helped Washington's farmers turn a desert into some of the most productive agricultural land in the world.

And it's worth remembering what Franklin Roosevelt said at the completion of the Bonneville Dam. He said: "Truly, in the construction of this dam, we have had our eyes on the future of the nation and we in America are wiser in using our wealth on projects like these which will give us more wealth, better living, and greater happiness for our children."

That's the kind of leadership and vision that built our great state, and that can make it greater still.

Three years ago, my caucus rejected the politics of division that pits east vs. west, rural vs. urban, business vs. labor. We made a commitment to working together for one Washington.

We can achieve great things together. For this session, each one of us has a choice. Either we can spend our time talking about how bad things are, or we can be working to make things better. We may represent different districts, with different concerns, and different viewpoints. But whether you're from Wenatchee or from Walla Walla, whether you live on Kessler Lane in Hoquiam, or on Petersville Road in Bremerton, we can rise to the occasion and see our whole state succeed.

– We are one House.

– We are one people.

– We are one Washington.

Thank you."

SPEAKER'S PRIVILEGE

Speaker Chopp: "My first day as a State Representative was also Clyde Ballard's first day as Speaker of this House. For seven years he has held the gavel or at least a part of the gavel and helped preside over this institution. Please join me expressing our appreciation for Representative Ballard."

POINT OF PERSONAL PRIVILEGE

Representative Ballard: "Thank you, Mr. Speaker, ladies and gentlemen of the House, it's good to be back after our short recess.

I must say, it is unusual to see so many new faces at the beginning of a 60-day session. So for those of you new to the House, allow me to let you in on a little secret about me that others here know all too well . . . You see . . . I'm from the Old School. Mr. Speaker, back in the Old School, we may not have had that "new math." But I do understand the difference between 49 and 48 and I also understand that it's more than simply a distance of 25 feet. Also in the Old School we always made sure we did something that I think is a great tradition and that is to offer congratulations to the new Speaker - Congratulations to you, Speaker Chopp for your success. And we hope for your success for this Session.

But though some of the roles may have changed we still have a great deal to accomplish together.

The citizens are watching to see if we can bring relief to our congested roads. They're watching to see if we can erase a billion-dollar deficit without hurting vulnerable citizens or compromising public safety. And they're waiting to see what we can do to bring jobs and opportunity back to communities throughout a state suffering from an economic decline.

They're watching. And frankly, whether it's fair or not many of them don't have high expectations that we as a Legislature will get the job done.

However, it's not because they believe the task at hand is insurmountable. I'm afraid it's because all too often they've lost faith in our ability to work together to solve problems.

But I stand before you with a more optimistic view.

You see, I believe it is in the face of the greatest challenges that true leadership can arise and emerge.

I believe the 2002 legislative session has an opportunity to demonstrate to the people of the State of Washington that we are true leaders. That we are able to listen both to them and to each other. That, while at times we will have our differences, we are able to work together in the best interests of those we represent. And, that in the end, we will come together on behalf of our entire state. People often ask me what do you want? My wish is that in the next 60 days, we prove to the citizens of Washington state that we are worthy of their trust.

Instead of broken promises, let's show them that we can keep our word.

Instead of telling them what we think is best for them, let's listen to the their concerns.

And rather than finger-pointing and excuses, let's deliver results. Mr. Speaker, I am committed and our caucus is committed, to working with you to get the job done. And while, come March 14, the skeptic and the cynic may be disappointed, the citizens won't be if we do this right.

Thank you Mr. Speaker."

ELECTION OF SPEAKER PRO TEMPORE

The Speaker announced that nominations were in order for Speaker Pro Tempore.

Representative Fromhold: "I would like to nominate Representative Val Ogden from the 49th District for the position of Speaker Pro Tempore. I am proud to speak on her behalf. She is my friend, mentor and the highly respected senior member of our southwest Washington delegation.

Representative Ogden is in her sixth term in the House of Representatives. As you know, she is a very effective member of this body. Most importantly, in our community, Representative Ogden is recognized for her leadership and involvement. She is the former Executive Director of the Clark County YWCA. Her community activities include being a board member of the Council for the Homeless, Clark County Mental Health Advisory Board and the Human Services Council. Nationally, she serves on the Executive Committee for the National Conference of State Legislatures and she is President of the National Order of Women Legislators.

Her honors and awards are extensive. Her recognition for those honors and positions is due to her fairness, integrity, and intelligence - all qualities she will bring to bear as the Speaker Pro Tempore of this House of Representatives.

She garners bi-partisan respect and support not only at home in the 49th District but also among this entire body. I ask for your support for her candidacy for Speaker Pro Tempore."

MOTIONS

On motion of Representative Kessler, the nominations for Speaker Pro Tempore were closed.

On motion of Representative Kessler, a unanimous ballot was cast for Representative Val Ogden as Speaker Pro Tempore of the House.

The Speaker called upon Representative Fromhold to escort Speaker Pro Tempore-elect Ogden to the Rostrum.

Justice Johnson administered the oath of office to Speaker Pro Tempore Ogden.

SPEAKER PRO TEMPORE'S REMARKS

Speaker Pro Tempore Ogden: "Thank you, Bill for that gracious nomination. I am honored to serve as Speaker Pro Tempore of the Washington House of Representatives.

I am pleased to have my family here with me today to share in this significant occasion. My husband Dan and my grandson David Martin from Helena, Montana have joined me.

As we fulfill our duties as Legislators, which takes us away from our homes for weeks during session, the support of our families is very important. I believe that it is appropriate, as I recognize my family, that I also recognize all the families who are here today, especially those family members who are here for our seven new legislators. Please stand. Please join me in giving them a heartfelt thank you.

As I was preparing my remarks for today, and trying to find the words to express my feelings and hopes for this next year, I was reminded of my favorite hymn. Let me share those words with you. 'We would be one in building for tomorrow, a nobler world than we have known today. We would be one in searching for that meaning which binds our hearts and points us on our way.

As one, we pledge ourselves to greater service, with love and justice, strive to make us free.' It is in this context that I make my remarks today.

Last year, when I accepted this office I quoted President Kennedy's challenge for a recommitment to public service as an honorable and esteemed value in our society. Today that commitment is still relevant. On September 11th we had a striking example of how important that commitment is. We saw public servants put their duty over and above their lives. If there is any good to come out of that tragedy, it is the recognition of the important role of government in a crisis. I see a rebuilding of trust between the citizens of this State and their elected representatives. We must continue to build on that trust. Showing leadership, making the hard decisions, listening to our constituents will enable us to do that. I am proud to join Speaker Chopp in that noble endeavor.

In closing I want to share with you a grace that I heard when I was in Scotland this summer.

'Let there be respect for the Earth, peace for its people, love in our lives, delight in the good, forgiveness for past wrongs, and from now on, a new start.'

Thank you."

ELECTION OF CHIEF CLERK

The Speaker announced that nominations were in order for Chief Clerk of the House of Representatives.

Representative Ogden: "Thank you, Mr. Speaker. I nominate Miss Cindy Zehnder as Chief Clerk of the Washington State House of Representatives.

The Chief Clerk has many important responsibilities as manager of the operations of the House. This includes administrative and committee support, staff, budget, security and facilities. Cindy brings unique capabilities to this position having served as Co-Chief Clerk for three years. She has demonstrated her leadership in management and labor issues. She has proven abilities to unite divergent interests around a common program and extensive negotiation experience in both public and private sectors with in depth knowledge of media and public relations. She is a skilled public speaker and writer. And finally, she has the experience in managing large organizations with particular strength in strategic planning, information technology and continuous quality improvement.

I am proud to support the nomination of Cindy Zehnder as Chief Clerk of House. She has shown that she can do the job and ask for your vote.

Thank you."

MOTIONS

Representative Kessler moved the nominations for Chief Clerk be closed.

On motion of Representative Kessler, a unanimous ballot was cast for Cynthia Zehnder as Chief Clerk of the House of Representatives.

Representative Ogden escorted Chief Clerk-elect Zehnder to the Rostrum.

Justice Johnson administered the oath of office to Chief Clerk Zehnder.

CHIEF CLERK'S REMARKS

Chief Clerk Zehnder: "Thank you, Justice Johnson and Speaker Pro Tempore Ogden. Mr. Speaker, Members of the House – thank you for the honor of serving as your Chief Clerk.

I would like to take this opportunity to recognize the members of my family who are in the south gallery. They are my son, Matthew Zehnder. My mother and stepfather, Maxine and Bill McCallum. And my aunts and uncle, Dolores and Chuck and Karen Maurin. Thank you for being here today.

I would like to acknowledge, if I may Mr. Speaker, the wonderful staff of the House of Representatives whose hard work and dedication have made it possible for all of us to succeed.

In particular, I would like to thank our Deputy Chief Clerk, Bill Wegeleben and our Director of Human Resources and Facilities, Sharon Hayward whose tireless efforts and endless goodwill make it all look so easy.

Finally, I want to express my appreciation to all of you. Your commitment, your energy and your extraordinary dedication to the public good make it all worthwhile.

Thank you."

The Speaker thanked Justice Johnson and asked Representatives Carrell and Jackley to escort him from the Chamber.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4675, By Representatives Kessler and Mastin

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

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4675 was adopted.

The Speaker appointed Representatives Berkey, Holmquist, Schoesler and Sullivan to notify the Senate that the House was organized and ready to conduct business.

SENATE DELEGATION

Sergeant at Arms Finley announced that a Senate delegation had arrived and had requested admittance to the Chamber. The Speaker introduced Senators Carlson, Parlette, Keiser and Poulsen and requested the Sergeant at Arms to escort them to the Rostrum. The Senators informed the Chamber that the Senate was organized and ready to conduct business.

INTRODUCTION & FIRST READING

HB 2259 by Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

AN ACT Relating to clarifying that a court may not suspend more than one-half of a fine that is imposed on violators of disabled parking or disabled parking permits; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 2261 by Representatives Van Luven, Edwards, Cairnes, Cody and Campbell

AN ACT Relating to the taxation of organ procurement and transplanting activities; amending RCW 82.04.324; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

HB 2267 by Representatives Reardon, Pearson, Berkey, D. Schmidt, Lovick, Barlean, Cooper, Morris, Dunshee, Ericksen, Edwards, O'Brien and Marine

AN ACT Relating to excise tax deductions for aircraft component parts used in repair or maintenance; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2268 by Representatives Rockefeller, Woods and Dunshee

AN ACT Relating to contracts concerning the sale of cigarettes; and amending RCW 43.06.---

Referred to Committee on Finance.

HB 2269 by Representatives Mitchell, Fisher, Hatfield, Woods, Jarrett and Rockefeller

AN ACT Relating to the transportation accountability board; adding new sections to chapter 47.01 RCW; adding a new section to chapter 44.48 RCW; adding a new section to chapter 43.105 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2270 by Representatives Talcott, Haigh, Anderson, Keiser, Jarrett, Pearson, Lambert, Ericksen, Esser, Morell, Sehlin and Rockefeller

AN ACT Relating to an academic improvement through educational planning, focused assistance, and data analysis and reporting; amending RCW 28A.655.030 and 28A.655.100; adding new sections to chapter 28A.655 RCW; creating new sections; repealing RCW 28A.655.050; and declaring an emergency.

Referred to Committee on Education.

HB 2272 by Representatives Morris, Clements, Santos, Reardon, Cooper, Tokuda, Berkey, Cairnes, Roach and Skinner

AN ACT Relating to a property tax exemption for chemical dependency services; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2273 by Representatives Ericksen, Barlean, Linville, McMorris, Sump, Ahern and DeBolt

AN ACT Relating to tax relief for certain smelters; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 84.36 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2274 by Representatives Linville, Morris and Ericksen

AN ACT Relating to tax incentives for industrial facilities that use large amounts of electricity and that have curtailed production; adding a new chapter to Title 82 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2284 by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

AN ACT Relating to disqualifying commercial drivers for grade crossing violations.

Referred to Committee on Transportation.

HB 2285 by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

AN ACT Relating to modifying tax provisions.

Referred to Committee on Transportation.

HB 2286 by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

AN ACT Relating to correcting language regarding certificates of ownership for stolen vehicles.

Referred to Committee on Transportation.

HB 2287 by Representatives Cooper, O'Brien, Voloria, Fromhold, Reardon, Conway, McIntire, Simpson, Schual-Berke, Fisher, Tokuda, McDermott, Wood, Kirby, Edwards, Haigh, Kenney and Dickerson

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

Referred to Committee on Transportation.

HB 2288 by Representatives Fisher, Mitchell, Rockefeller, Wood and Esser; by request of Department of Transportation

AN ACT Relating to facilitating perpetual management of environmental mitigation sites.

Referred to Committee on Transportation.

HB 2289 by Representatives Linville and Schoesler; by request of Department of Agriculture

AN ACT Relating to regulating planting stock certification and nursery improvement programs.

Referred to Committee on Agriculture & Ecology.

HB 2290 by Representatives Linville and Schoesler; by request of Department of Agriculture

AN ACT Relating to creating the fruit and vegetable inspection account.

Referred to Committee on Agriculture & Ecology.

HB 2291 by Representatives Buck, Benson, Sump, Carrell, Talcott, Anderson, D. Schmidt and Dunn

AN ACT Relating to establishing an official date of receipt of child support payments.

Referred to Committee on Juvenile Justice & Family Law.

HB 2292 by Representatives Buck, Dunn, Benson, Lisk, Alexander and Pflug

AN ACT Relating to limiting admissibility of evidence relating to remedial measures taken to prevent future traffic accidents.

Referred to Committee on Judiciary.

HB 2293 by Representatives Buck, Pearson, Schoesler, Benson, Sump, Delvin, Ahern, Ballasiotes, Mulliken, Campbell, Holmquist, Anderson, Alexander, Armstrong, Lisk, D. Schmidt, Mielke, Boldt, Edwards, Pflug and Esser

AN ACT Relating to creating the antiterrorism crime act of 2002.

Referred to Committee on Select Committee on Community Security.

HB 2294 by Representatives Hatfield, Doumit, Kessler, Eickmeyer, Lantz, Rockefeller, Wood, Mielke, Boldt, Benson, Edwards, Upthegrove and Dunn

AN ACT Relating to allowing the department of natural resources to seek volunteers to maintain recreation sites.

Referred to Committee on Natural Resources.

HB 2295 by Representative Ruderman

AN ACT Relating to modifying fees for locating unclaimed property.

Referred to Committee on Finance.

HB 2296 by Representatives Eickmeyer, Lantz, Miloscia, Kessler, Rockefeller and Haigh

AN ACT Relating to distressed area designation; and amending RCW 82.60.020.

Referred to Committee on Trade & Economic Development.

HB 2297 by Representatives Dunn, Fromhold, Ogden, Delvin and Schual-Berke

AN ACT Relating to county auditors; and amending RCW 36.22.110.

Referred to Committee on Local Government & Housing.

HB 2298 by Representatives O'Brien, Kirby, Edwards and Ogden

AN ACT Relating to demonstration projects to improve treatment and management and reduce recidivism rates of mentally ill offenders; creating new sections; and making an appropriation.

Referred to Committee on Criminal Justice & Corrections.

HB 2299 by Representatives Esser, Lantz and Benson

AN ACT Relating to defining person under the business corporation act, uniform limited partnership act, and limited liability company act; and amending RCW 23B.01.400, 25.10.010, and 25.15.005.

Referred to Committee on Judiciary.

HB 2300 by Representatives Lantz, Esser, Rockefeller and Benson

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

Referred to Committee on Judiciary.

HB 2301 by Representatives Lantz, Esser, Anderson, Benson, Upthegrove and Kagi

AN ACT Relating to authorizing electronic notice and other communications under the Washington business corporation act; and amending RCW 23B.01.200, 23B.01.220, 23B.01.230, 23B.01.240, 23B.01.250, 23B.01.260, 23B.01.270, 23B.01.400, 23B.01.410, 23B.02.020, 23B.02.050, 23B.04.035, 23B.05.010, 23B.05.020, 23B.06.030, 23B.06.260, 23B.06.300, 23B.07.010, 23B.07.020, 23B.07.030, 23B.07.040, 23B.07.060, 23B.07.220, 23B.07.240, 23B.08.030, 23B.08.070, 23B.08.210, 23B.08.230, 23B.08.240, 23B.08.600, 23B.10.012, 23B.11.040, 23B.13.030, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.230, 23B.13.280, 23B.14.392, 23B.15.032, 23B.15.070, 23B.15.080, 23B.16.010, 23B.16.020, and 23B.16.200.

Referred to Committee on Judiciary.

HB 2302 by Representatives Conway, Wood, Kenney and Edwards; by request of Employment Security Department

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

Referred to Committee on Commerce & Labor.

HB 2303 by Representatives Conway, Wood and Kenney; by request of Employment Security Department

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

Referred to Committee on Commerce & Labor.

HB 2304 by Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper,

Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Upthegrove, Schual-Berke, Kagi and McIntire; by request of Governor Locke

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

Referred to Committee on Transportation.

HB 2305 by Representatives Hatfield, Doumit, Kessler, Grant, Kirby, Edwards and Linville

AN ACT Relating to clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands; adding a new section to chapter 90.58 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2306 by Representative Schindler

AN ACT Relating to the provision of labels stating state and federal motor vehicle fuel taxes to motor fuel retailers; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

HB 2307 by Representatives Doumit, Sump, H. Sommers, Sehlin, Kessler and Eickmeyer

AN ACT Relating to timber substitution; adding a new chapter to Title 79 RCW; creating a new section; prescribing penalties; and providing a contingent effective date.

Referred to Committee on Natural Resources.

HB 2308 by Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire

AN ACT Relating to recycling and waste reduction; amending RCW 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and creating new sections.

Referred to Committee on Agriculture & Ecology.

HB 2309 by Representatives Cody, Campbell, Schual-Berke, Darneille, Edwards and Kenney; by request of Department of Health

AN ACT Relating to the authority of the Washington state board of denturists; amending RCW 18.30.010, 18.30.020, 18.30.040, 18.30.050, 18.30.090, 18.30.100, and 18.30.140; adding a new section to chapter 18.30 RCW; and repealing RCW 18.30.080.

Referred to Committee on Health Care.

HB 2310 by Representatives Jackley, Sump, Doumit, Rockefeller and Eickmeyer; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources.

HB 2311 by Representatives Doumit, Sump, Jackley, Rockefeller, Kessler, Eickmeyer, Hatfield, Delvin, Buck, Linville, Upthegrove, Ericksen and Cairnes

AN ACT Relating to small forest landowners; amending RCW 76.13.110, 76.13.120, and 76.13.140; and adding a new section to chapter 76.09 RCW.

Referred to Committee on Natural Resources.

HB 2312 by Representatives Cody, Campbell, Schual-Berke and Edwards; by request of Department of Health

AN ACT Relating to department of health regulation of adult family homes; amending RCW 70.128.220 and 18.130.040; adding a new section to chapter 70.128 RCW; creating a new section; and repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and 18.48.060.

Referred to Committee on Health Care.

HB 2313 by Representatives Lantz, Anderson, Rockefeller, Kenney, Ogden, Upthegrove, Kagi, Dunn and Esser; by request of Secretary of State

AN ACT Relating to electronic filing and registration; amending RCW 19.09.020, 19.09.075, 19.09.279, 24.03.005, 24.03.145, 24.03.175, 24.03.183, 24.03.200, 24.03.245, 24.03.325, 24.03.330, 24.03.375, 25.15.020, 25.15.085, 25.15.095, 25.15.325, and 43.07.170; adding new sections to chapter 24.03 RCW; adding a new section to chapter 25.15 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2314 by Representatives Hurst, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Edwards, Rockefeller, Conway, Lisk, Buck, D. Schmidt, Alexander, Kirby, Haigh, Fromhold, O'Brien and Esser; by request of Governor Locke and Attorney General

AN ACT Relating to criminal penalties for terrorism offenses; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, 10.95.040, and 9A.04.080; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding a new section to chapter 10.95 RCW; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Select Committee on Community Security.

HB 2315 by Representatives Cody, McDermott, Kenney and Tokuda

AN ACT Relating to recreation therapy; and adding a new chapter to Title 18 RCW.

Referred to Committee on Health Care.

HB 2316 by Representatives Morris, Cooper, Linville and Edwards

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

Referred to Committee on Transportation.

HB 2317 by Representatives Cooper and Benson; by request of Insurance Commissioner

AN ACT Relating to technical changes to Title 48 RCW; amending RCW 48.87.020, 48.87.040, 48.66.130, 48.07.040, and 48.43.055; and adding a new section to chapter 48.66 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2318 by Representatives Cody, Campbell, Kenney and Edwards; by request of Insurance Commissioner

AN ACT Relating to the insurance commissioner's participation on the Washington health care facilities authority; and amending RCW 70.37.030.

Referred to Committee on Health Care.

HB 2319 by Representatives Buck, Jackley, Lisk, O'Brien, Barlean, Kessler, D. Schmidt, Ballasiotes, Morris, Benson, Anderson, Haigh and Esser

AN ACT Relating to emergency management; and amending RCW 38.52.010, 38.52.030, 38.52.040, 38.52.070, 38.52.080, 38.52.170, and 38.52.180.

Referred to Committee on Select Committee on Community Security.

HB 2320 by Representatives McDermott, D. Schmidt, Romero, McMorris, Santos, Miloscia, Kessler, Haigh and Edwards; by request of Public Disclosure Commission

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

Referred to Committee on State Government.

HB 2321 by Representatives McDermott, D. Schmidt, Romero, Miloscia, Kessler, Mulliken, Benson, Alexander, Haigh, Holmquist and Edwards; by request of Public Disclosure Commission

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

Referred to Committee on State Government.

HB 2322 by Representatives Lantz, Kagi, Dickerson, Cox, Quall, Kessler, Kenney, Edwards, Fromhold and Conway

AN ACT Relating to nonparent visitation; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2323 by Representatives Hatfield, Buck, Doumit and Linville

AN ACT Relating to commercial fishers; amending RCW 77.65.280, 77.15.565, 77.15.620, 77.15.640, 36.71.090, and 69.07.100; adding new sections to chapter 77.65 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources.

HB 2324 by Representatives Hatfield, Doumit, Kessler, Kirby and Edwards

AN ACT Relating to protecting children and dependent persons; amending RCW 9A.42.010; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2325 by Representatives Wood, Schoesler, Gombosky, Kessler, Linville, Kagi and Esser

AN ACT Relating to donated food; adding a new section to chapter 69.80 RCW; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 2326 by Representatives Linville, Romero, Lantz, Rockefeller, Cooper, Hunt, Simpson, Kagi and Ruderman

AN ACT Relating to the Washington climate and rural energy development center; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 2327 by Representatives Linville, Romero, Lantz, Rockefeller, Wood, Cooper, Hunt, Tokuda, Simpson and Ruderman

AN ACT Relating to greenhouse gas mitigation; amending RCW 80.50.010, 80.50.020, and 80.50.040; adding a new section to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2328 by Representatives Romero, Dunshee, Miloscia, Ogden and Edwards

AN ACT Relating to day-care facility location restrictions; amending RCW 35.63.185, 35A.63.215, and 36.70A.450; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government & Housing.

HB 2329 by Representatives Lantz, Cooper, Esser, Dunshee, Haigh, McDermott, Linville, Sehlin, Murray, Anderson, Jarrett, Pflug, Cairnes, Barlean, D. Schmidt, Morell and Rockefeller

AN ACT Relating to federal estate tax benefits for conservation easements; and amending RCW 11.98.070 and 11.96A.030.

Referred to Committee on Judiciary.

HJM 4015 by Representatives Delvin, Hankins, Ogden, Fisher, Lisk and G. Chandler

Requesting full funding for the cleanup of the Hanford Reservation.

Referred to Committee on Agriculture & Ecology.

HJM 4016 by Representatives Morris, Crouse, Ogden and Linville

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4017 by Representatives Haigh, Conway, Talcott, D. Schmidt, Carrell and Simpson

Opposing federalization of the National Guard.

Referred to Committee on Select Committee on Community Security.

HCR 4420 by Representatives Kessler and Mastin

Resolving to meet to receive the state of the state message.

HCR 4421 by Representatives Kessler and Mastin

Revising the joint rules pertaining to conference committees.

MESSAGE FROM THE SENATE

January 14, 2002

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8422,
SENATE CONCURRENT RESOLUTION NO. 8423,
SENATE CONCURRENT RESOLUTION NO. 8424,

and the same were herewith transmitted.

Tony M. Cook, Secretary

There being no objection, Senate Concurrent Resolution No. 8422 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8422, By Senators Snyder and West

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

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8422.

Senate Concurrent Resolution No. 8422 was declared adopted.

The Speaker appointed Representatives Bush and McDermott to notify the Governor that the Legislature was organized and ready to conduct business.

The House Delegation returned from the Senate and informed the Chamber the Senate was organized and ready to conduct business.

The House Delegation returned from notifying the Governor the House and Senate were organized and ready to conduct business.

There being no objection, House Concurrent Resolution No. 4420 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4420, By Representatives Kessler and Mastin

Resolving to meet to receive the state of the state message.

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4420.

House Concurrent Resolution No. 4420 was declared adopted.

There being no objection, House Concurrent Resolution No. 4420 was immediately transmitted to the Senate.

There being no objection, House Concurrent Resolution No. 4421 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4421, By Representatives Kessler and Mastin

Revising the joint rules pertaining to conference committees.

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4421.

House Concurrent Resolution No. 4421 was declared adopted.

There being no objection, House Concurrent Resolution No. 4421 was immediately transmitted to the Senate.

There being no objection, Senate Concurrent Resolution No. 8423 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423, By Senators Snyder and West Reintroducing bills, resolutions, and joint memorials from the 2001 regular session.

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8423.

Senate Concurrent Resolution No. 8423 was declared adopted.

There being no objection, Senate Concurrent Resolution No. 8424 was read the first time, the rules were suspended and the concurrent resolution was placed on the Second Reading calendar.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8424, By Senators Snyder and West Establishing cutoff dates.

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the final adoption of Senate Concurrent Resolution No. 8424.

Senate Concurrent Resolution No. 8424 was declared adopted.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4676, By Representatives Kessler, Mastin, Hatfield, Campbell, Skinner and Hankins

WHEREAS, The tragic events of September 11, 2001, and reports of terrorist activities in the United States and abroad have raised the consciousness of the state of Washington and the nation to the threats to life, liberty, and property associated with terrorist attacks and attempts; and

WHEREAS, Since the September 11, 2001, tragedy, various federal, state, and local government officials have been reviewing current laws and regulations to consider their effectiveness in preventing and responding to terrorist acts and amending laws to address the threat of terrorism; and

WHEREAS, The House of Representatives recognizes the need to review current state law to determine if changes should be made to address and respond to potential terrorist activities within this state in order to protect the citizens of Washington, punish those responsible for terrorist acts, and ensure the efficient and effective delivery of government services in the event of an act of terrorism;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives establish a select committee on community security to consider and develop legislation on preventing and responding to terrorist acts and attempts and on punishing those responsible for terrorist acts, and report legislation on these subjects out of committee with all the powers and duties of a standing committee of the house; and

BE IT FURTHER RESOLVED, That the committee will consist of fifteen members, eight Democrat and seven Republican; and

BE IT FURTHER RESOLVED, That the committee will cease to exist on December 31, 2002.

Representative Kessler moved the adoption of the resolution.

Representatives Kessler and Lisk spoke in favor of the adoption of the resolution.

House Resolution No. 4676 was adopted.

MOTION

On motion of Representative Kessler, the House advanced to the eleventh order of business.

With the consent of the House, the Rules Committee was relieved of the following bills which were referred to the committees so designated.

SHB 1011 by House Committee on Finance (originally sponsored by Representatives Campbell, Conway, Benson, Mielke, Skinner, Pennington, DeBolt, Delvin, Ogden, Esser, Reardon, Linville, Pearson, Alexander, Barlean, Ericksen, Carrell, Morell, Dunn, Van Luven, O'Brien, Ahern and Talcott)

AN ACT Relating to property tax exemptions for persons with disabilities related to the performance of military duties; amending RCW 84.36.379, 84.36.381, and 84.36.383; and creating a new section.

Referred to Committee on Finance.

EHB 1012 by Representatives Mitchell, Fisher, Poulsen, McDermott, Ogden and Dunn

AN ACT Relating to allowing Washington state ferry fares to be increased in excess of the fiscal growth factor; amending RCW 47.60.326; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1017 by House Committee on Natural Resources (originally sponsored by Representatives Pennington and Mielke)

AN ACT Relating to fish and wildlife lands vehicle use permits; amending RCW 77.32.380; and prescribing penalties.

Referred to Committee on Natural Resources.

SHB 1024 by House Committee on Natural Resources (originally sponsored by Representatives Doumit, G. Chandler, Linville, Sump, Quall, Clements, Schoesler, Hatfield and Grant)

AN ACT Relating to the growing of short-rotation hardwood trees on agricultural land; and amending RCW 84.33.035, 76.09.020, and 82.04.213.

Referred to Committee on Natural Resources.

HB 1026 by Representatives O'Brien, Lovick, Hurst, Ballasiotes, Ahern and Kagi; by request of Department of Corrections

AN ACT Relating to the authority of the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds; adding a new section to chapter 72.09 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

ESHB 1034 by House Committee on Agriculture & Ecology (originally sponsored by Representatives Pennington, Mielke and Schindler)

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Agriculture & Ecology.

SHB 1039 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Ballasiotes, O'Brien, Ahern, Morell and Woods)

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1044 by Representatives Conway, Lambert, H. Sommers, Talcott, Doumit, Pearson, Alexander, Kagi, McIntire, Hurst, Hatfield, Haigh, Kenney, Edmonds, Keiser and Simpson; by request of Joint Committee on Pension Policy

AN ACT Relating to converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance; amending RCW 41.32.802, 41.32.860, 41.32.862, 41.35.060, 41.40.037, and 41.40.750; and providing an effective date.

Referred to Committee on Appropriations.

EHB 1046 by Representatives Doumit, Alexander, Conway, Lambert, H. Sommers, Delvin, Kagi, O'Brien, McIntire, Hurst, Haigh, Kenney, Edmonds and Simpson; by request of Joint Committee on Pension Policy

AN ACT Relating to the Washington state patrol retirement system retirement and survivor benefits; amending RCW 43.43.040, 43.43.120, 43.43.260, 43.43.270, 43.43.274, 43.43.278, and 41.45.060; adding new sections to chapter 43.43 RCW; adding a new section to chapter 41.45 RCW; repealing RCW 43.43.272, 43.43.276, and 43.43.300; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1052 by Representatives O'Brien and Ballasiotes

AN ACT Relating to reorganization of, and technical, clarifying, nonsubstantive amendments to, community supervision and sentencing provisions; amending RCW 9.94A.660 and 9.94A.715; reenacting and amending RCW 9.94A.145; reenacting RCW 9.94A.120; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 1069 by Representatives Campbell, Cody and Edwards; by request of Department of Health

AN ACT Relating to the health professions' use of pro tem board members; and amending RCW 18.130.060.

Referred to Committee on Health Care.

EHB 1092 by Representatives Lambert, Miloscia, Talcott, Pearson, Cairnes, Boldt, Anderson, D. Schmidt, Simpson, Bush and Mielke

AN ACT Relating to tax exemptions for church and church camp property; amending RCW 84.36.020, 84.36.030, and 84.36.800; and creating a new section.

Referred to Committee on Finance.

HB 1096 by Representatives Mitchell, Fisher, Hankins, Jarrett, Tokuda and Dickerson; by request of Department of Transportation

AN ACT Relating to intercity passenger rail service; adding new sections to chapter 47.79 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 1097 by Representatives Fisher, Mitchell, Hankins and Haigh; by request of Department of Transportation

AN ACT Relating to transportation safety and planning; and amending RCW 81.104.115.

Referred to Committee on Transportation.

HB 1101 by Representatives Doumit, Lisk, Lovick, Clements, Gombosky, Delvin, Haigh, Barlean, Simpson, Mulliken, Kagi, Conway, Lantz, Hunt, Wood, Rockefeller, G. Chandler, Dunshee, Skinner, Ballasiotes, D. Schmidt, Romero, Kenney, Linville and Jackley

AN ACT Relating to funding for local government criminal justice; amending RCW 46.63.110; adding a new section to chapter 46.64 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Appropriations.

HB 1103 by Representatives Lambert, Ruderman, Esser, Miloscia, Buck, Pflug, McDermott, Simpson, D. Schmidt and Armstrong

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government.

HB 1108 by Representatives Bush, Kenney, Talcott, Lambert, D. Schmidt, Lantz, Benson, Cox, Campbell, Woods, Veloria, Esser, Haigh, Mulliken, Ogden, Mielke, Boldt, Casada, Morell, Buck, Pearson, Roach, Clements, Schoesler, Romero, Darneille, Carrell, Van Luven, Edwards, Kagi and Hurst

AN ACT Relating to the secretary of state; and adding a new section to chapter 29.04 RCW.

Referred to Committee on State Government.

HB 1114 by Representatives Cairnes, Morris, Hunt, Cooper, O'Brien, Lisk, Hatfield, Wood, D. Schmidt, Haigh, Van Luven, Simpson and Woods

AN ACT Relating to the sale of thoroughbred horses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1118 by Representatives Lovick, Delvin, O'Brien, Armstrong, Ogden, Edmonds, Cooper, Fisher, Boldt, Mitchell, Simpson and Fromhold

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

Referred to Committee on Transportation.

HB 1157 by Representatives Murray, Hankins, Lovick, Fisher and Keiser

AN ACT Relating to identifying rebuilt vehicles; and amending RCW 46.12.005 and 46.12.050

Referred to Committee on Transportation.

SHB 1161 by House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Clements and Kenney; by request of Department of Licensing)

AN ACT Relating to engineers and land surveyors; amending RCW 18.43.080; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1184 by Representatives Conway, Clements, B. Chandler and Kenney; by request of Employment Security Department

AN ACT Relating to use of school hours and wages for unemployment compensation claims for educational employees; amending RCW 50.44.050; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SHB 1187 by House Committee on State Government (originally sponsored by Representatives Haigh, Miloscia, Darneille, McMorris, Lambert, Reardon, Dunshee, O'Brien, Delvin, Talcott, Campbell, G. Chandler, Quall, Anderson, Alexander, Schoesler, Esser and D. Schmidt; by request of Military Department)

AN ACT Relating to the public disclosure of specific and unique information related to criminal acts of terrorism; reenacting and amending RCW 42.17.310; and creating a new section.

Referred to Committee on Select Committee on Community Security.

SHB 1188 by House Committee on Capital Budget (originally sponsored by Representatives Haigh, McMorris, O'Brien, Miloscia, Dunshee, Lambert, Campbell, Delvin, G. Chandler, Talcott, Quall, Reardon, Alexander, H. Sommers, Veloria, Schoesler, Esser, Anderson, Morell, Darneille and D. Schmidt; by request of Military Department)

AN ACT Relating to authorizing the military department to dispose at public bid of the state armory land and buildings known as the Pier 91 property and acquire replacement property and improvements; and creating a new section.

Referred to Committee on State Government.

HB 1199 by Representatives Schindler, Mielke, Sump, G. Chandler, McMorris and Armstrong

AN ACT Relating to the display of fish and wildlife lands vehicle use permits; and amending RCW 77.32.380.

Referred to Committee on Natural Resources.

HB 1201 by Representatives Dunshee, Barlean, Cairnes, Santos, Morris and Kessler; by request of Department of Revenue

AN ACT Relating to cooperative agreements concerning the taxation of cigarettes sold on Indian lands; adding new sections to chapter 43.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.24 RCW; creating a new section; repealing RCW 82.24.070; and providing an effective date.

Referred to Committee on Finance.

HB 1219 by Representatives Marine, D. Schmidt, Roach, Delvin, Cooper and Skinner

AN ACT Relating to property tax exemptions for community radio stations; reenacting and amending RCW 84.36.805 and 84.36.810; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1230 by Representatives D. Schmidt, McMorris, Miloscia, Dunshee, Pearson, Talcott, Kessler, Pennington, Clements, Ogden, Sump, Linville, Darneille, Wood, Cooper, Gombosky, Skinner and Edmonds

AN ACT Relating to changing primary dates and associated election procedures; amending RCW 29.13.070, 29.24.020, 29.24.035, 29.15.020, 29.15.120, 29.18.150, 29.15.170, 29.15.190, and 29.15.200; and providing an effective date.

Referred to Committee on State Government.

2SHB 1240 by House Committee on Appropriations (originally sponsored by Representatives Schindler, Quall, Talcott, Pearson, Cox, Keiser, Campbell, D. Schmidt and Haigh)

AN ACT Relating to the Washington assessment of student learning; amending RCW 28A.230.195 and 28A.655.090; creating new sections; and providing an effective date.

Referred to Committee on Education.

SHB 1252 by House Committee on Children & Family Services (originally sponsored by Representatives Boldt, Mulliken, Schindler and Lambert)

AN ACT Relating to faith-based chemical dependency treatment programs; amending RCW 70.96A.020; and adding new sections to chapter 70.96A RCW.

Referred to Committee on Children & Family Services.

SHB 1254 by House Committee on Finance (originally sponsored by Representatives Kessler, Mastin, Reardon, Roach, Cairnes and Morris)

AN ACT Relating to a real estate excise tax exemption for land exchanges and sales with the federal government; adding a new section to chapter 82.45 RCW; adding a new section to chapter 82.46 RCW; and declaring an emergency.

Referred to Committee on Finance.

SHB 1260 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Ballasiotes, O'Brien, Kagi and Haigh)

AN ACT Relating to postsecondary courses for inmates; amending RCW 72.09.480; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

HB 1264 by Representatives Lantz, Esser, Carrell, Van Luven and Lambert; by request of Administrator for the Courts

AN ACT Relating to courts of limited jurisdiction; amending RCW 3.50.810 and 3.46.150; and repealing RCW 3.46.155.

Referred to Committee on Judiciary.

HB 1269 by Representatives Bush and Campbell

AN ACT Relating to hardship waivers for vehicle owners in cases of suspended license vehicle impounds; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1271 by Representatives Ballasiotes, O'Brien, Conway and Woods

AN ACT Relating to modifying requirements for certain victims of sexually violent predators to be eligible for victims' compensation; and amending RCW 7.68.060.

Referred to Committee on Criminal Justice & Corrections.

HB 1274 by Representatives Lantz and Carrell; by request of Administrator for the Courts

AN ACT Relating to emancipation of minors; and amending RCW 13.64.040.

Referred to Committee on Juvenile Justice & Family Law.

HB 1277 by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee

AN ACT Relating to residential landlord-tenant relationships; and amending RCW 59.18.060.

Referred to Committee on Local Government & Housing.

HB 1289 by Representatives Sump, Rockefeller and Mielke

AN ACT Relating to calculating reasonable offset for use when replacing or repurchasing a motor vehicle; and amending RCW 19.118.041.

Referred to Committee on Commerce & Labor.

SHB 1292 by House Committee on Children & Family Services (originally sponsored by Representatives Tokuda, Campbell, Boldt, Miloscia, Kagi, Morell, Darneille and Veloria)

AN ACT Relating to chemical dependency; amending RCW 70.96A.020, 70.96A.050, and 70.96A.140; and adding a new section to chapter 70.96A RCW.

Referred to Committee on Children & Family Services.

HB 1298 by Representatives Lantz, Carrell and Esser; by request of Administrator for the Courts

AN ACT Relating to small claims collection cost recovery; and amending RCW 12.40.105.

Referred to Committee on Judiciary.

HB 1301 by Representatives Cody, Campbell, Conway, Pennington, Ruderman, Edmonds, Edwards, Kenney, Rockefeller, McIntire and Schual-Berke

AN ACT Relating to requiring uniform prescription drug information cards; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1303 by Representatives Fisher, Mitchell, Mielke and Rockefeller; by request of Department of Licensing

AN ACT Relating to special identification cards for persons issued disabled parking permits; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1304 by Representatives Doumit, Ericksen, Eickmeyer, Jackley, Sump, Pearson and Linville; by request of Department of Fish and Wildlife

AN ACT Relating to providing the fish and wildlife commission authority to issue pamphlet hydraulic project approval; amending RCW 77.15.300; adding a new section to chapter 77.55 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1305 by Representatives Buck, Rockefeller, Eickmeyer, Jackley, Doumit, Sump, Pearson and Haigh; by request of Department of Fish and Wildlife

AN ACT Relating to liability for damage to property; and amending RCW 4.24.630.

Referred to Committee on Judiciary.

SHB 1315 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers and Sehlin; by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 43.08.250, 43.72.902, 43.79.465, 43.320.110, 46.10.040, 49.70.170, 69.50.520, 72.11.040, 72.36.035, 79.24.580, and 82.14.310; creating new sections; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1327 by Representatives Miloscia, Mulliken, Dunshee, Schoesler and Doumit

AN ACT Relating to water-sewer district general comprehensive plans; and amending RCW 57.16.010.

Referred to Committee on Local Government & Housing.

HB 1329 by Representatives Cairnes, Morris, Santos, Pennington, Reardon, Linville, Van Luven, Cooper, Roach and Morell

AN ACT Relating to tax exemptions for sales of food products sold through vending machines for human consumption; and amending RCW 82.08.0293 and 82.12.0293.

Referred to Committee on Finance.

SHB 1337 by House Committee on Juvenile Justice (originally sponsored by Representatives Kagi, Delvin and Dickerson; by request of Department of Social and Health Services)

AN ACT Relating to the chemical dependency disposition alternative; and amending RCW 13.40.165.

Referred to Committee on Juvenile Justice & Family Law.

SHB 1342 by House Committee on Appropriations (originally sponsored by Representatives H. Sommers, Sehlin, Kenney, Lisk and Alexander; by request of Department of General Administration)

AN ACT Relating to consolidating funds within the general administration services account; amending RCW 39.35.060, 43.19.025, 43.19.1923, and 43.99I.020; and repealing RCW 39.35C.110.

Referred to Committee on Appropriations.

SHB 1352 by House Committee on State Government (originally sponsored by Representatives McMorris, D. Schmidt, McDermott, Schindler, Haigh, Lambert and Miloscia; by request of Public Disclosure Commission)

AN ACT Relating to correcting inaccurate or procedurally obsolete provisions in the public disclosure commission law; amending RCW 42.17.020, 42.17.090, and 42.17.380; and repealing RCW 42.17.700.

Referred to Committee on State Government.

SHB 1359 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Murray and McIntire; by request of Governor Locke)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 79.24.580; creating new sections; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1362 by Representatives Edmonds, Boldt, Dunshee, Rockefeller, Hunt, O'Brien, Darneille and Hatfield; by request of Department of Community, Trade, and Economic Development

AN ACT Relating to removal of competitive grant requirements for community mobilization; amending RCW 43.270.010, 43.270.020, 43.270.070, and 43.270.080; and repealing RCW 43.270.030, 43.270.050, and 43.270.060.

Referred to Committee on Children & Family Services.

HB 1367 by Representatives Esser, McDermott, Lovick and Benson; by request of Office of the Code Reviser

AN ACT Relating to correction of outdated references and double amendments in the Revised Code of Washington; amending RCW 29.24.035, 34.05.660, 42.17.316, 46.16.065, 46.16.374, 46.61.524, 46.70.029, 46.70.180, 46.79.010, 46.79.020, 46.79.110, 46.80.030, 47.46.040, and 82.80.020; and reenacting RCW 46.20.285.

Referred to Committee on Judiciary.

HB 1368 by Representatives Esser, McDermott and Lovick; by request of Office of the Code Reviser

AN ACT Relating to technical corrections to natural resource laws under the authority of RCW 1.08.025; adding a new section to chapter 77.55 RCW; and recodifying RCW 77.16.220.

Referred to Committee on Judiciary.

ESHB 1370 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Jackley, Morell, Eickmeyer, Bush, Benson, Rockefeller, Schindler, Conway, Hurst, Mulliken and Campbell; by request of Governor Locke)

AN ACT Relating to precursor drugs; amending RCW 69.43.010, 69.43.020, 69.43.040, and 69.43.090; adding new sections to chapter 69.43 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SHB 1381 by House Committee on Higher Education (originally sponsored by Representatives Mulliken, Rockefeller, G. Chandler, Skinner, Dunn, Lantz, Doumit, Cox, Keiser, Pearson, Schoesler, Ruderman, Schual-Berke and Lambert)

AN ACT Relating to identification of students at institutions of higher education; adding a new section to chapter 28B.10 RCW; creating new sections; and providing an effective date.

Referred to Committee on Higher Education.

HB 1404 by Representatives Casada, Poulsen, Crouse, Ogden, Linville, Kagi, Hatfield, Van Luven, Cooper, Dickerson, O'Brien, Campbell, Conway, Roach, Bush, Lisk, Berkey, Miloscia and Kessler; by request of Governor Locke

AN ACT Relating to tax credits for new facilities that provide electricity for direct service industrial customers; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.12 RCW; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Finance.

HB 1405 by Representatives Anderson, Poulsen, Crouse, Linville, Kagi, Hatfield, Van Luven, Cooper, O'Brien, Campbell, Roach, Bush, Lisk, Berkey, Miloscia and Kessler; by request of Governor Locke

AN ACT Relating to extending eligibility for the public utility tax deduction for facilities generating energy from cogeneration; and amending RCW 82.16.055.

Referred to Committee on Finance.

HB 1406 by Representatives Esser, Poulsen, Crouse, Linville, Kagi, Kenney, Hatfield, Van Luven, Cooper, Campbell, Roach, Bush, Berkey, Miloscia, Rockefeller and Kessler; by request of Governor Locke

AN ACT Relating to providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants; and adding a new section to chapter 82.34 RCW.

Referred to Committee on Finance.

HB 1429 by Representatives Fisher, Woods and Rockefeller

AN ACT Relating to enforcement, collection, and use of tolls on the Tacoma Narrows bridge; amending RCW 46.61.690, 46.63.030, and 46.63.140; reenacting and amending RCW 46.12.370; adding a new section to chapter 46.63 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1438 by Representatives Skinner, Edmonds, Conway and Schual-Berke

AN ACT Relating to property tax exemptions for persons confined in adult family homes and certain boarding homes; and amending RCW 84.36.381 and 84.36.383.

Referred to Committee on Finance.

HB 1441 by Representatives Ruderman, Crouse, Poulsen, Linville, Kagi, Kenney, Keiser, Roach, Bush, Lambert, Berkey, Miloscia, Simpson, Esser, Wood, Rockefeller and Kessler; by request of Governor Locke

AN ACT Relating to providing sales and use tax exemptions for energy efficient lights and household appliances; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 1443 by Representatives Wood, Crouse, Poulsen, Ogden, Edmonds, Linville, Kagi, Van Luven, Hatfield, Kenney, Cooper, O'Brien, Conway, Lovick, Roach, Bush, Morell, Veloria, Berkey, Miloscia, McIntire, Esser, Rockefeller, McDermott and Kessler; by request of Governor Locke

AN ACT Relating to public utility tax credits for home energy assistance programs for low-income households; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Finance.

HB 1446 by Representatives Wood, Clements, Conway, B. Chandler, Kenney, Lisk and Eickmeyer

AN ACT Relating to authorizing bona fide charitable and nonprofit organizations to conduct electronic bingo; and amending RCW 9.46.0205.

Referred to Committee on Commerce & Labor.

HB 1452 by Representatives Linville, G. Chandler, Ruderman, Cooper, Barlean, Ericksen, Quall, Marine, Conway, Rockefeller, Kenney, Pearson, Schual-Berke, Van Luven, Kagi, Keiser, Santos and Wood; by request of Utilities & Transportation Commission

AN ACT Relating to funding hazardous liquid and gas pipeline safety; amending RCW 19.122.055, 19.122.070, 81.88.010, 81.88.060, and 81.88.090; adding a new section to chapter 80.24 RCW; adding a new section to chapter 81.24 RCW; creating a new section; repealing RCW 81.88.050 and 81.88.130; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1460 by Representatives Lovick, Jarrett, Hurst, Jackley, Cooper, Fisher, Edmonds, Morell, Ahern, Ogden, Simpson, O'Brien, Darneille, Kagi and Ruderman

AN ACT Relating to enforcement of safety belt laws; amending RCW 46.61.688 and 46.61.688; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

HB 1479 by Representatives Alexander, Grant, Barlean, Rockefeller, Ericksen, Campbell, Romero, Fromhold, Buck, H. Sommers, Bush, Doumit, Conway, Lantz, Kessler, Pennington, Hatfield, Clements, Cox, Benson, Santos, Kenney, Cooper, Kagi, O'Brien, Simpson, Armstrong, Dunshee, Linville, Schual-Berke, D. Schmidt, Cairnes, Morris, Ogden, Roach, Keiser, Schoesler, G. Chandler, Lovick, McIntire, Hunt, Hurst, Quall, Jackley, Carrell, Mulliken, Edmonds, Jarrett, Woods and Wood

AN ACT Relating to providing a death benefit for certain state employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

HB 1484 by Representatives Carrell, Hurst, Benson and Boldt

AN ACT Relating to firearms; amending RCW 9.41.040, 9.41.010, 9.41.047, and 13.04.030; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1489 by Representatives Carrell, Morris, Roach, Lambert, Boldt, Cairnes, Benson and Marine

AN ACT Relating to an assessment improvement plan; and creating a new section.

Referred to Committee on Finance.

HB 1500 by Representatives Dickerson, Pennington, Morris, Van Luven, Conway, Santos and Dunn

AN ACT Relating to exempting certain assembly activities from the business and occupation tax on manufacturing; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

ESHB 1502 by House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Grant, Schoesler and Mastin)

AN ACT Relating to conservation districts; amending RCW 89.08.160, 89.08.020, 89.08.400, and 89.08.200; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1504 by Representatives G. Chandler, Linville, B. Chandler, Grant, Schoesler, Sump, Armstrong and Delvin

AN ACT Relating to agricultural use of water; and amending RCW 90.03.380 and 90.44.100.

Referred to Committee on Agriculture & Ecology.

HB 1512 by Representatives H. Sommers, Ballasiotes, O'Brien, Kagi, Lambert, Dickerson, Lisk, Lovick, Hurst, Delvin, Hankins, Keiser and Dunn

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

Referred to Committee on Criminal Justice & Corrections.

HB 1518 by Representatives Fromhold, Van Luven, Veloria, Conway and Dunn; by request of Governor Locke

AN ACT Relating to using state sales and use tax revenues generated within a benefited jurisdiction as a funding source for community development infrastructure improvements not to exceed one million dollars of funding per fiscal year; amending RCW 43.135.080; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1522 by Representatives Dunshee, Mulliken, Mielke and Edmonds

AN ACT Relating to medical plans for elected city officials; and amending RCW 41.04.190.

Referred to Committee on Local Government & Housing.

SHB 1528 by House Committee on Technology, Telecommunications & Energy (originally sponsored by Senators Poulsen, Crouse, Ruderman and Delvin; by request of Utilities & Transportation Commission)

AN ACT Relating to telecommunications; amending RCW 80.36.320 and 80.36.330; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 1531 by Representatives Morris and Cairnes

AN ACT Relating to the taxation of lodging; and amending RCW 82.04.050.

Referred to Committee on Finance.

HB 1541 by Representatives Carrell, Lambert, Cairnes, Van Luven, Reardon, Santos, Veloria and Morris

AN ACT Relating to defenses in civil actions; amending RCW 4.24.420; and creating a new section.

Referred to Committee on Judiciary.

HB 1559 by Representative McDermott

AN ACT Relating to information about initiatives; adding new sections to chapter 29.79 RCW; and adding a new section to chapter 29.81 RCW.

Referred to Committee on State Government.

SHB 1560 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lambert, Lovick, Ballasiotes, O'Brien, Mulliken, Sump and Schindler)

AN ACT Relating to restricting the use of the terms sheriff and sheriff's posse; and adding new sections to chapter 36.28 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 1562 by Representatives Talcott, Quall and Keiser; by request of Governor Locke, Academic Achievement and Accountability Commission and State Board of Education

AN ACT Relating to academic achievement and accountability commission accountability system recommendations; amending RCW 28A.655.030, 28A.300.040, 28A.505.120, 28A.400.010, 28A.400.030, 28A.400.100, 28A.400.300, 28A.405.210, 28A.405.220, 28A.405.230, 28A.150.020, 28A.320.010, 28A.320.015, 28A.320.035, 28A.315.005, 28A.315.015, 28A.315.025, 28A.225.210, 28A.225.270, and 41.59.910; reenacting and amending RCW 28A.225.220; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; creating a new section; repealing RCW 28A.655.035 and 28A.655.050; and providing an effective date.

Referred to Committee on Education.

ESHB 1571 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Clements and Conway)

AN ACT Relating to changing provisions relating to the import of simulcast horse races from out-of-state racing facilities to class 1 racing associations' live racing facilities; and amending RCW 67.16.200.

Referred to Committee on Commerce & Labor.

HB 1575 by Representatives Quall, Cairnes, Morris, O'Brien, Roach, Reardon, Grant, Woods, Linville, Pflug, Hatfield, Carrell, Eickmeyer, Bush, Gombosky, Miloscia, Ruderman, Fromhold, Wood, Lovick, Delvin, Haigh, Hurst, Edmonds, Schoesler, Simpson, Lambert, Cooper, Lantz, Rockefeller, Esser, Barlean, Cox, Sehlin and Van Luven

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1583 by Representatives Hatfield, Ericksen, Cooper, Delvin and Kenney; by request of Department of Licensing

AN ACT Relating to the waiver of motorcycle endorsement examination after satisfactory completion of motorcycle operator training; amending RCW 46.20.515; and reenacting and amending RCW 46.20.505.

Referred to Committee on Transportation.

HB 1594 by Representatives Linville and G. Chandler

AN ACT Relating to the standards for agricultural transfers of water; and amending RCW 90.03.380.

Referred to Committee on Agriculture & Ecology.

HB 1597 by Representatives Conway, Clements, Wood and B. Chandler

AN ACT Relating to the public accountancy act; amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.370, 18.04.380, 18.04.390, 18.04.405, and 18.04.420; adding a new section to chapter 18.04 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1598 by Representatives Conway and Clements

AN ACT Relating to the hours of operators of power equipment in waterfront operations; and repealing RCW 49.28.100 and 49.28.110.

Referred to Committee on Commerce & Labor.

HB 1604 by Representatives Schual-Berke, Ballasiotes, O'Brien, Skinner, Campbell, Keiser, Ogden, Cody, Kenney, Kagi, Lovick, Edmonds, Darneille and Santos

AN ACT Relating to hospital safety; and amending RCW 9.41.300.

Referred to Committee on Criminal Justice & Corrections.

HB 1626 by Representatives Fromhold, Dunn, Ogden, Pennington, Jarrett and Mulliken

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

Referred to Committee on Local Government & Housing.

HB 1628 by Representatives Barlean, Sehlin, Santos and Kagi

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

HB 1642 by Representatives Santos, Pennington, Ruderman, Mielke, Schual-Berke, Keiser, Rockefeller, Conway and Dunn

AN ACT Relating to senior citizen property taxes; amending RCW 84.36.381, 84.36.383, 84.38.030, and 84.64.050; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

SHB 1646 by House Committee on Education (originally sponsored by Representatives D. Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush, Dunn and Campbell)

AN ACT Relating to alternative educational service providers; amending RCW 28A.150.305 and 28A.305.170; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1699 by Representatives Alexander, Hunt, DeBolt and Romero

AN ACT Relating to suspending the driving privileges of juveniles who have committed the offense of threatening to bomb a school building; and amending RCW 13.40.265.

Referred to Committee on Juvenile Justice & Family Law.

HB 1708 by Representatives Veloria, Cairnes, Morris, Ruderman, Jarrett, Santos, Esser and Edmonds

AN ACT Relating to the property tax exemption for new or rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 84.14.030, and 84.14.110.

Referred to Committee on Finance.

SHB 1717 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Morell, O'Brien, Ballasiotes, McMorris, Cairnes and Ahern)

AN ACT Relating to public access to public records; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

E2SHB 1728 by House Committee on Appropriations (originally sponsored by Representatives Campbell, Schual-Berke, Skinner and Cody)

AN ACT Relating to third-party administrators for health carriers; creating a new section; and declaring an emergency.

Referred to Committee on Health Care.

SHB 1730 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Skinner, Clements, Pennington, Kagi, Linville, Cody, Campbell, Lovick, Cox, Ruderman, Ballasiotes, O'Brien, Hunt, Edwards, Dickerson, Grant, Darneille and Keiser)

AN ACT Relating to the reporting of specified injuries by trauma health care providers; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health Care.

HB 1736 by Representatives Hatfield, Mitchell, Hurst, Talcott and Schoesler

AN ACT Relating to licensing criteria for motor vehicle dealers; amending RCW 46.70.070; reenacting and amending RCW 46.70.041; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Transportation.

HB 1749 by Representatives Morris and Cairnes

AN ACT Relating to authorizing the governor to enter into tax compacts with up to three federally recognized tribes on a pilot basis; adding a new section to chapter 82.02 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1756 by Representatives Buck, Sump, Doumit, Pennington, B. Chandler, Kessler, Mulliken and Clements

AN ACT Relating to limitations on fishery licenses; and amending RCW 77.70.410, 77.70.420, 77.65.100, and 77.65.110.

Referred to Committee on Natural Resources.

SHB 1759 by House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

AN ACT Relating to the sale of hypodermic syringes; and amending RCW 69.50.412 and 69.50.4121; and adding new sections to chapter 70.115 RCW.

Referred to Committee on Health Care.

HB 1762 by Representatives Kessler, Lisk, Cairnes, Morris, Eickmeyer, Marine, Roach, Talcott, Armstrong, Linville, Schoesler, Campbell, Esser, Casada, Bush and Mulliken

AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1765 by Representatives Linville, G. Chandler, Kessler, Pearson, Eickmeyer, Grant, DeBolt, Schoesler, Buck, B. Chandler, Doumit, Casada and Mulliken

AN ACT Relating to providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities; reenacting and amending RCW 82.04.260; creating a new section; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 1769 by Representatives G. Chandler, B. Chandler, Clements, Armstrong, Lisk, Delvin and Mulliken

AN ACT Relating to nonuse of water for sufficient cause; and amending RCW 90.14.043, 90.14.140, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Agriculture & Ecology.

HB 1774 by Representatives Pennington, Conway, Skinner, Cody, Ballasiotes, Schual-Berke, Campbell, Darneille, Anderson, Armstrong, Roach, Talcott, Edwards, Wood, Schoesler, Santos, Esser, Dunn, Casada, Bush and Mulliken

AN ACT Relating to creating a senior pharmacy assistance program; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care.

HB 1776 by Representatives Miloscia, Boldt, Kagi, Conway, Darneille and Dickerson; by request of Department of Social and Health Services

AN ACT Relating to making the background check requirements for department of social and health services' employees consistent with background check requirements for service providers, agencies, and entities serving vulnerable adults and children; amending RCW 9.96A.020, 41.06.475, 43.20A.020, 43.20A.710, 43.43.830, 43.43.832, 72.05.440, and 72.23.035; reenacting and amending RCW 74.15.030; creating a new section; and declaring an emergency.

Referred to Committee on Children & Family Services.

HB 1783 by Representatives Carrell, Lantz, Hurst, Lovick, Marine and Woods

AN ACT Relating to privileged communications by fire fighters and law enforcement officers; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1798 by Representatives Kagi, Pennington, Morris, Edmonds, Mulliken, Gombosky and Lovick

AN ACT Relating to equitable adjustment of bonded indebtedness for fire protection district mergers and annexations; adding a new section to chapter 52.06 RCW; adding a new section to chapter 35.02 RCW; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1812 by Representatives Schindler, Ahern, Crouse, Sump, Benson, Cox, Wood, Gombosky and Schoesler

AN ACT Relating to independent commissions to set salaries for city and town elected officials, and county commissioners and councilmembers; amending RCW 35.22.200 and 36.17.020; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.17 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1820 by Representatives Van Luven, H. Sommers, Lantz, Morris and Edwards; by request of University of Washington

AN ACT Relating to clarifying ethics requirements for officers and employees of institutions of higher education with regard to sponsored research and technology transfer agreements; amending RCW 42.52.030 and 42.52.120; and creating a new section.

Referred to Committee on State Government.

HB 1844 by Representatives Doumit, Pennington, Hatfield, Mielke and Dunn; by request of
Department of Natural Resources

AN ACT Relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington; adding a new section to chapter 79.08 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1850 by Representatives Morris, Cairnes, Alexander, Murray, Rockefeller, Esser, McIntire, Cody, Kagi, Skinner, Veloria, Hankins, Ruderman, Kenney, Darneille, Hunt, Edmonds, Edwards, Keiser, Conway, Linville, Van Luven, Santos and Schual-Berke

AN ACT Relating to community health center facilities; amending RCW 70.37.020 and 70.37.090; adding new sections to chapter 70.37 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 1852 by Representatives Morris, Schoesler, Anderson, Eickmeyer, Conway, Fromhold, Van Luven, Kenney, Dunn, Santos, Ogden, Jackley, O'Brien, Lovick and Linville

AN ACT Relating to international marketing of Washington's goods and services; amending RCW 43.23.035 and 43.31.145; adding a new section to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1853 by Representatives Morris, Cairnes, Pennington, Miloscia, Roach, Benson, Van Luven, Veloria, Carrell, Kessler and Linville

AN ACT Relating to clarifying the decision of the Washington state supreme court in Simpson Investment Co. v. Dept. of Revenue; amending RCW 82.04.4281; and creating a new section.

Referred to Committee on Finance.

HB 1856 by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods

AN ACT Relating to excused absences from school for search and rescue activities; and adding a new section to chapter 28A.225 RCW.

Referred to Committee on Education.

HB 1866 by Representatives B. Chandler, Wood, Conway and Clements

AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.

Referred to Committee on Commerce & Labor.

HB 1881 by Representatives Carrell, Woods, Benson, Reardon, Morris, Pennington, Anderson, O'Brien, Cairnes, DeBolt, Pflug and Hunt

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

2EHB 1886 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler and Hatfield

AN ACT Relating to tax rate modifications for animal health products; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1887 by Representatives Linville, G. Chandler and Grant

AN ACT Relating to providing farmers with sales and use tax exemptions for propane and wood shavings used in the raising of chickens; adding new sections to chapter 82.08 RCW; and adding new sections to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1888 by Representatives Linville, G. Chandler, Grant, Doumit, B. Chandler, Hatfield and Van Luven

AN ACT Relating to tax exemptions and credits for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

SHB 1897 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Hankins, Poulsen, Grant, B. Chandler, Mastin and G. Chandler)

AN ACT Relating to agricultural fairs; amending RCW 15.76.140; and declaring an emergency.

Referred to Committee on Appropriations.

SHB 1908 by House Committee on State Government (originally sponsored by Representatives Schoesler, Morris, Santos, Hankins, Sump, Pennington, DeBolt, B. Chandler, Sehlin, D. Schmidt, Dunn, Mielke, McMorris, Tokuda, Buck, Skinner, Mulliken and Bush)

AN ACT Relating to restrictions on mailings and public service broadcasts by state officials; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government.

HB 1910 by Representatives Kenney, Cox, Schoesler, Schindler, Benson, Gombosky, McMorris, Skinner, Fromhold, Dunn, Jarrett, Crouse, Lantz, Sump, Ogden, Ahern, Bush, Esser and Wood

AN ACT Relating to graduate education in physical therapy; and adding a new section to chapter 28B.35 RCW.

Referred to Committee on Higher Education.

HB 1911 by Representatives Reardon, Cody, Santos and Ballasiotes

AN ACT Relating to insurance coverage for neurodevelopmental therapies; and amending RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520.

Referred to Committee on Health Care.

SHB 1913 by House Committee on Appropriations (originally sponsored by Representative Boldt)

AN ACT Relating to a blended funding demonstration project to provide services to disturbed youth; adding a new chapter to Title 74 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1921 by Representatives Linville, Kagi, Ruderman, Simpson, Dunshee, Murray and Veloria

AN ACT Relating to greenhouse gases affecting climate change; adding a new chapter to Title 70 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 1925 by Representatives H. Sommers, Sehlin, Romero, Wood and Schindler; by request of Secretary of State

AN ACT Relating to local government records; amending RCW 36.22.175; adding a new section to chapter 36.22 RCW; repealing 1996 c 245 s 2 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 1928 by Representatives Mulliken, O'Brien, Miloscia, Boldt, Cox, Lambert, Schindler, DeBolt, Talcott, Bush, Dunn, Sump, Mielke, Benson, Pennington, D. Schmidt, Esser, Casada, Van Luven, Morell, Ahern, Campbell, Carrell, G. Chandler, Mastin and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HB 1937 by Representatives Linville, B. Chandler, G. Chandler, Delvin, Quall, Grant and Simpson

AN ACT Relating to reclaimed water; amending RCW 90.46.005, 90.46.010, 90.14.140, 90.03.252, and 90.44.062; and adding a new section to chapter 90.46 RCW.

Referred to Committee on Agriculture & Ecology.

SHB 1938 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck)

AN ACT Relating to sabotage resulting in damage to land, facilities, and property; amending RCW 4.24.630 and 9.05.060; reenacting and amending RCW 9.94A.320; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

ESHB 1953 by House Committee on Commerce & Labor (originally sponsored by Representatives Kessler and Buck)

AN ACT Relating to alterations of mobile homes; amending RCW 19.27.015, 19.27.020, 19.27.031, 43.22.335, 43.22.340, 43.22.360, 43.22.390, 43.22.350, 43.22.370, 43.22.380, 43.22.400, 43.22.410, 43.22.420, 43.22.431, 43.22.432, 43.22.434, 43.22.440, 43.22.442, and 43.22.450; reenacting and amending RCW 19.27.060; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1956 by Representatives Lovick, Lambert, Dickerson, Boldt, Lantz, O'Brien and Dunn

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

Referred to Committee on Judiciary.

2SHB 1958 by House Committee on Appropriations (originally sponsored by Representatives Delvin, Dickerson, Carrell and Darneille)

AN ACT Relating to children in need of services, at-risk youth, and truancy petitions; amending RCW 13.32A.030, 13.32A.160, 13.32A.170, 13.32A.179, 13.32A.190, 13.32A.196, 13.32A.198, and 28A.225.035; reenacting and amending RCW 28A.225.090 and 28A.225.090; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Juvenile Justice & Family Law.

HB 1987 by Representatives Mitchell, Fisher, Woods and McIntire; by request of Office of Financial Management

AN ACT Relating to procuring new auto ferries; adding new sections to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SHB 1992 by House Committee on Juvenile Justice (originally sponsored by Representatives Lantz and Woods)

AN ACT Relating to communications to schools from juvenile justice and care agencies; and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 1993 by Representatives Hankins, Fisher, Mitchell and Wood

AN ACT Relating to vehicle license fees; and amending RCW 46.16.0621.

Referred to Committee on Transportation.

EHB 2005 by Representatives Morris, Schoesler, Grant, Barlean, Kessler, Doumit, Poulsen and Linville

AN ACT Relating to taxation of property previously owned by the federal government; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

HB 2011 by Representatives Campbell, Darneille, Bush, Lantz and Cody

AN ACT Relating to public psychiatric facilities; and amending RCW 71.12.455 and 71.12.460.

Referred to Committee on Health Care.

HB 2012 by Representatives Schoesler, Grant, Sump, Linville, B. Chandler, Cox, G. Chandler, Cooper, Kagi and Wood

AN ACT Relating to incentives to encourage the use of grass or straw-based materials in construction; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2031 by Representatives Cairnes, Crouse, Poulsen, Morris, Reardon, Delvin and Barlean

AN ACT Relating to limiting the taxation of pay phone services; amending RCW 35.21.710, 35.21.712, 35A.82.050, and 35A.82.055; and providing an effective date.

Referred to Committee on Finance.

ESHB 2034 by House Committee on Health Care (originally sponsored by Representatives Campbell, Hankins, O'Brien, Kagi, Reardon, Lambert, Boldt, Schoesler, Linville, Van Luven, Morris, Mastin, Murray, Santos, Talcott, Grant, Morell, Lisk, Dickerson, Carrell, Quall, Delvin, Miloscia, Conway, Buck, Kenney, Esser, Mulliken, G. Chandler, Bush, Ruderman, Benson, Haigh, Rockefeller, McDermott, Tokuda, Lovick, B. Chandler, Veloria, Dunn, Casada, Mielke, Pearson, Roach, Cooper, Simpson, Jackley, Ogden, Kessler, Anderson, DeBolt, Crouse, Pennington, Mitchell, Cairnes, D. Schmidt, Ericksen, Barlean, Pflug, Ahern, Cox, Hatfield, Doumit, Dunshee, Eickmeyer, Keiser, Poulsen, Gombosky, Romero, Fisher, Kirby and Hurst)

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health Care.

HB 2038 by Representatives Linville and G. Chandler

AN ACT Relating to clarifying "voluntarily fails" for water rights relinquishment purposes; adding a new section to chapter 90.14 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2040 by Representatives Cody, Clements, Wood, Lisk, Cairnes, Roach, Hurst and Quall

AN ACT Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders; and amending RCW 67.16.102 and 67.16.175.

Referred to Committee on Commerce & Labor.

ESHB 2051 by House Committee on State Government (originally sponsored by Representatives Roach, Quall, Bush, G. Chandler, Hatfield, McMorris, Grant, Kessler and Woods)

AN ACT Relating to rule-making procedures; and amending RCW 34.05.320.

Referred to Committee on State Government.

HB 2057 by Representatives H. Sommers, Sehlin, Benson and Hatfield; by request of State Investment Board

AN ACT Relating to the state investment board; and amending RCW 43.33A.100.

Referred to Committee on Financial Institutions & Insurance.

HB 2064 by Representative Carrell

AN ACT Relating to providing for the availability of online legal research capability on a cost-efficient basis to all residents of the state; and adding a new section to chapter 27.04 RCW.

Referred to Committee on Judiciary.

SHB 2066 by House Committee on Education (originally sponsored by Senators Keiser, Talcott, Quall, Anderson, Haigh, Romero, Erickson, D. Schmidt, Conway, Pearson, Schindler, Cox, Edmonds, Santos and Kenney)

AN ACT Relating to educator preparation and mentoring; amending RCW 28A.415.250; adding a new section to chapter 28A.410 RCW; and creating new sections.

Referred to Committee on Education.

HB 2070 by Representatives B. Chandler, Grant and Fromhold

AN ACT Relating to tax exemptions and credits for structures and equipment used to reduce agricultural burning; and amending RCW 82.08.840, 82.12.840, 82.04.4459, and 84.36.580.

Referred to Committee on Finance.

HB 2073 by Representatives Dunn, Fromhold, Eickmeyer, Ogden, Pennington and Morell

AN ACT Relating to sale of a mobile home, manufactured home, park model, or personal property after eviction of the owner from mobile home lot; and adding a new section to chapter 60.72 RCW.

Referred to Committee on Local Government & Housing.

SHB 2079 by House Committee on Health Care (originally sponsored by Representatives Schual-Berke and Campbell)

AN ACT Relating to authorizing dispensing opticians to perform eye refraction and modify existing prescriptions to reflect changes in vision; amending RCW 18.34.020, 18.34.060, 18.34.050, 18.34.080, 18.34.120, 18.34.136, and 18.34.010; adding new sections to chapter 18.34 RCW; recodifying RCW 18.34.010 and 18.34.060; repealing RCW 18.34.110; and providing an effective date.

Referred to Committee on Health Care.

SHB 2082 by House Committee on Children & Family Services (originally sponsored by Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke)

AN ACT Relating to dependent children and the manufacture of methamphetamine; amending RCW 26.44.020; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2096 by Representatives Dunshee, Mulliken, Santos and Schual-Berke

AN ACT Relating to assistance for low-income residential utility customers; and amending RCW 57.46.010.

Referred to Committee on Local Government & Housing.

HB 2100 by Representatives Dunshee, Mulliken and Berkey

AN ACT Relating to increasing bid limits for the alternative bid procedure under RCW 39.04.190; and amending RCW 54.04.082.

Referred to Committee on State Government.

HB 2106 by Representatives Sump, Doumit and Pearson

AN ACT Relating to extending the time for the forest practices board to complete rule making required to implement the forests and fish report; amending RCW 76.09.370; and declaring an emergency.

Referred to Committee on Natural Resources.

ESHB 2137 by House Committee on Education (originally sponsored by Representatives Hunt, Armstrong, Talcott, Quall, Wood, Delvin, Rockefeller, Fromhold, Keiser and Jackley)

AN ACT Relating to explosives on school premises; amending RCW 28A.600.420; and prescribing penalties.

Referred to Committee on Education.

HB 2144 by Representatives Kirby, Cairnes, Talcott, Fisher, Van Luven, Darneille and Morris

AN ACT Relating to tax deferrals for theme parks; adding a new chapter to Title 82 RCW; and providing an effective date.

Referred to Committee on Finance.

ESHB 2151 by House Committee on Judiciary (originally sponsored by Representatives Carrell and Talcott)

AN ACT Relating to witness unavailability due to incompetency or death; and adding a new section to chapter 5.60 RCW.

Referred to Committee on Judiciary.

HB 2156 by Representatives Cairnes and Morris

AN ACT Relating to the federal mobile telecommunications sourcing act; amending RCW 82.04.065, 82.08.0289, 82.14.020, 82.14B.030, 35.21.714, and 35A.82.060; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2159 by Representatives Mitchell, Fisher and Hankins

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 47.06.050, 47.06.090, 47.05.010, 47.05.030, 47.05.051, 47.44.010, 47.44.020, 47.44.050, and 47.24.020; and creating new sections.

Referred to Committee on Transportation.

HB 2162 by Representatives Murray and Ericksen

AN ACT Relating to studying methods for calculating water-dependent lease rates for marinas on state-owned aquatic lands; and creating a new section.

Referred to Committee on Natural Resources.

2EHB 2168 by Representatives Conway, Schoesler, O'Brien, Ballasiotes, Darneille, Kirby and Hunt

AN ACT Relating to essential state community justice facilities; amending RCW 72.05.020, 72.05.400, 72.65.010, and 72.65.220; adding a new section to chapter 72.05 RCW; adding a new section to chapter 72.65 RCW; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2173 by Representatives Clements, Conway, B. Chandler, Wood, Kenney and Alexander

AN ACT Relating to shared lottery games; amending RCW 28A.515.320; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2188 by Representatives Dunn, Reardon, Pennington, Gombosky and Linville

AN ACT Relating to public facilities districts; amending RCW 35.57.010, 35.57.020, and 82.14.390; and adding a new section to chapter 36.100 RCW.

Referred to Committee on Trade & Economic Development.

HB 2190 by Representatives McDermott, Anderson, Santos, D. Schmidt, Quall, Ericksen, Kenney, Pearson, Schindler, Keiser, Schual-Berke, Rockefeller, Talcott, Haigh, Bush, O'Brien, Jarrett, Lambert, Kessler, Grant, Mielke and Simpson

AN ACT Relating to permitting children of certificated and classified school employees to enroll at the school where the employee is assigned; and amending RCW 28A.225.225 and 28A.225.270.

Referred to Committee on Education.

HB 2193 by Representatives DeBolt, Morris, Ruderman, Mielke, Crouse, Poulsen, Kessler, Mastin, Casada, Delvin, Pflug, Wood, Esser, B. Chandler, Linville and Berkey

AN ACT Relating to utility relocation costs caused by regional transit authority activities; and amending RCW 81.112.100.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2210 by Representatives Talcott, Santos, D. Schmidt, Armstrong, G. Chandler, Anderson, Rockefeller, Keiser, Haigh and Quall

AN ACT Relating to student achievement.

Referred to Committee on Education.

HB 2234 by Representatives Ahern, Mastin, Mulliken, Roach, Schindler, Sump, Anderson, Jarrett, Armstrong, McMorris, Benson, Morell, Cox, Mielke, Pearson, Mitchell, Alexander and Casada

AN ACT Relating to clarifying the repeal of motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency.

Referred to Committee on Transportation.

EHB 2244 by Representative H. Sommers

AN ACT Relating to the higher education retirement plan; amending RCW 28B.10.400; creating a new section; repealing RCW 28B.10.423; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

EHB 2262 by Representatives Lambert, H. Sommers, Talcott and Kessler

AN ACT Relating to sexual misconduct with a minor; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2263 by Representatives Schual-Berke, Doumit, Haigh, Kenney, McIntire, Tokuda, Fisher, Fromhold, Hurst, Voloria, Hunt, Edmonds, Wood, Kagi and Quall

AN ACT Relating to funding for traffic safety education; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 2264 by Representatives Cody, Alexander, Romero, Skinner, Schual-Berke and Ballasiotes

AN ACT Relating to mental health service performance measures; adding new sections to chapter 71.24 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2265 by Representatives Ogden and Talcott

AN ACT Relating to an open private choice primary; amending RCW 29.01.090, 29.04.180, 29.27.020, 29.27.030, 29.30.005, 29.30.025, 29.30.095, 29.30.101, 29.33.320, 29.36.045, 29.42.010, 29.42.050, 29.42.070, and 42.17.020; adding a new section to chapter 29.07 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.15 RCW; adding a new section to chapter 29.42 RCW; adding a new section to chapter 29.81A RCW; adding a new chapter to Title 29 RCW; creating new sections; repealing RCW 29.18.010, 29.18.120, 29.18.150, 29.18.160, 29.18.200, and 29.30.040; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2271 by Representative Clements

AN ACT Relating to appropriating moneys to the department of ecology for a ground water study in the Yakima basin; and making appropriations.

Referred to Committee on Agriculture & Ecology.

HB 2275 by Representative Fisher

AN ACT Relating to transportation; amending RCW 47.01.021, 43.17.020, 47.01.041, 41.06.380, 47.80.030, 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130, 47.05.051, 35.84.060, 47.06.050, and 47.06.090; reenacting and amending RCW 47.01.101; adding new sections to chapter 47.01 RCW; adding a new section to chapter 43.105 RCW; adding a new section to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; repealing RCW 47.01.051, 47.01.061, and 47.01.070; making an appropriation; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 2276 by Representatives Hunt and DeBolt

AN ACT Relating to reclaimed water use; and amending RCW 90.46.010.

Referred to Committee on Agriculture & Ecology.

HB 2278 by Representatives Mulliken, Mielke, McMorris, Buck, Cox, Lisk, Clements, Sump, Schindler, Delvin, Armstrong, Ericksen, Schoesler, Crouse, Benson, Ahern, Morell, Casada, DeBolt, Alexander, Mastin and B. Chandler

AN ACT Relating to efficient and effective land use planning in Washington; amending RCW 36.70A.130; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Local Government & Housing.

HB 2279 by Representative Ogden

AN ACT Relating to providing public financing for the Tacoma Narrows bridge; creating a new section; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2280 by Representative Clements

AN ACT Relating to benefits for individuals who are unable to work as a result of a natural disaster; amending RCW 43.88.180; adding a new section to chapter 43.33A RCW; adding a new title to the Revised Code of Washington; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2281 by Representatives Clements, Linville, G. Chandler, Conway and Kenney; by request of Governor Locke

AN ACT Relating to funding crop damage; reenacting and amending RCW 43.84.092 and 43.84.092; creating new sections; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2282 by Representatives G. Chandler, Linville, Clements, Conway and Kenney; by request of Governor Locke

AN ACT Relating to relief for farmers, farmworkers, and communities affected by crop damage due to severe storms occurring on June 26 and 27, 2001; amending RCW 82.29A.130; adding a new section to chapter 50.22 RCW; adding a new section to chapter 84.36 RCW; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2283 by Representative Van Luven

AN ACT Relating to the halal food consumer protection act; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HJM 4001 by Representatives Hatfield, Pennington, Eickmeyer, Benson, Wood, Doumit, Simpson, DeBolt, Bush, Cooper, Linville, Morris, Reardon, Darneille, Mielke, Lovick,

Kessler, Dunshee, Kirby, Hurst, Campbell, Ogden, Grant, Keiser, O'Brien, Edwards, Haigh, Kagi, Alexander and Jackley

Requesting continuation of the blanket primary.

Referred to Committee on State Government.

HJM 4003 by Representatives Marine, Darneille, Skinner, Cody, Ballasiotes, Schual-Berke, Campbell, Conway, O'Brien, Haigh, Kenney, Ruderman, Kagi and Santos

Requesting the addition of a prescription drug benefit to Medicare.

Referred to Committee on Health Care.

SHJM 4010 by House Committee on Finance (originally sponsored by Representatives Dunn, Fromhold, Pennington, Ogden, Hatfield, Mielke, Boldt and Grant)

Requesting fair tax treatment of Washington residents working in Oregon.

Referred to Committee on Finance.

HJR 4212 by Representatives Buck, Doumit, Sump, Hatfield, Eickmeyer, Pennington, Veloria, Boldt, O'Brien, Schoesler, Kessler, Clements, Grant and Edwards

Amending the Constitution regarding initiatives and referenda on fish and wildlife issues.

Referred to Committee on Natural Resources.

SHCR 4401 by House Committee on Natural Resources (originally sponsored by Representatives Rockefeller, Woods, Hunt and Lantz)

Creating a joint select committee on the disposal of derelict vessels.

Referred to Committee on Natural Resources.

HCR 4408 by Representatives G. Chandler and Linville

Creating a Joint Select Committee to review the need for the central filing of farm product liens.

Referred to Committee on Agriculture & Ecology.

HCR 4409 by Representatives Alexander, Murray, Kenney, Cox, O'Brien, D. Schmidt, Hankins, McIntire, Edwards and Esser

Creating a joint select committee to review future facilities needs for higher education.

Referred to Committee on Capital Budget.

HCR 4411 by Representatives Murray and Alexander

Creating the joint select committee on school construction funding.

Referred to Committee on Capital Budget.

HCR 4412 by Representatives Alexander and Murray

Establishing a joint select committee on local jail facilities.

Referred to Committee on Capital Budget.

COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Ahern, John	Criminal Justice & Corrections; Trade & Economic Development
Alexander, Gary	Capital Budget; Appropriations; Health Care
Anderson, Glenn	Education; Technology, Telecommunications & Energy; Transportation
Armstrong, Mike	Capital Budget; Juvenile Justice & Family Law; Transportation
Ballard, Clyde	Rules
Ballasiotes, Ida	Criminal Justice & Corrections; Health Care; Select Committee on Community Security
Barlean, Kelly	Financial Institutions & Insurance; Select Committee on Community Security
Benson, Brad	Financial Institutions & Insurance; Health Care; Select Committee on Community Security
Berkey, Jean	Finance, Vice Chair; Local Government & Housing; Technology, Telecommunications & Energy
Boldt, Marc	Children & Family Services; Appropriations; Judiciary
Buck, Jim	Appropriations; Natural Resources; Rules; Select Committee on Community Security
Bush, Roger	Capital Budget; Rules; Technology, Telecommunications & Energy
Cairnes, Jack	Finance; Financial Institutions & Insurance
Campbell, Tom	Health Care; Select Committee on Community Security
Carrell, Mike	Judiciary; Juvenile Justice & Family Law
Casada, Sarah	Capital Budget; Technology, Telecommunications & Energy
Chandler, Bruce	Agriculture & Ecology; Commerce & Labor
Chase, Maralyn	Capital Budget; Higher Education; Trade & Economic Development

Chopp, Frank	Rules, Chair
Clements, Jim	Commerce & Labor; Appropriations
Cody, Eileen	Health Care, Chair; Appropriations
Conway, Steve	Commerce & Labor, Chair; Finance; Health Care
Cooper, Mike	Financial Institutions & Insurance, Chair; Transportation, Vice Chair; Agriculture & Ecology
Cox, Don	Higher Education; Appropriations; Education
Crouse, Larry	Technology, Telecommunications & Energy; Local Government & Housing
Darneille, Jeannie	Juvenile Justice & Family Law, Vice Chair; Children & Family Services; Health Care
DeBolt, Richard	Local Government & Housing; Rules; Technology, Telecommunications & Energy
Delvin, Jerome	Juvenile Justice & Family Law; Agriculture & Ecology; Technology, Telecommunications & Energy
Dickerson, Mary Lou	Juvenile Justice & Family Law, Chair; Children & Family Services; Judiciary
Doumit, Mark	Natural Resources, Chair; Appropriations, 1st Vice Chair
Dunn, Jim	Higher Education; Local Government & Housing; Trade & Economic Development
Dunsee, Hans	Local Government & Housing, Chair; Agriculture & Ecology; Appropriations; Rules
Edwards, Jeanne	Local Government & Housing, Vice Chair; Health Care; Transportation
Eickmeyer, William	Trade & Economic Development, Vice Chair; Juvenile Justice & Family Law; Natural Resources; Rules
Ericksen, Doug	Natural Resources; Transportation
Esser, Luke	Capital Budget; Judiciary; Technology, Telecommunications & Energy
Fisher, Ruth	Transportation, Chair
Fromhold, Bill	Higher Education, Vice Chair; Appropriations, 2nd Vice Chair; Trade & Economic Development

Gombosky, Jeff	Finance, Chair; Higher Education; Trade & Economic Development
Grant, Bill	Agriculture & Ecology; Appropriations; Rules
Haigh, Kathy	Education, Vice Chair; Rules; Select Committee on Community Security; Transportation
Hankins, Shirley	Capital Budget; Rules; Transportation
Hatfield, Brian	Financial Institutions & Insurance; Local Government & Housing; Rules; Transportation
Holmquist, Jane'a	Agriculture & Ecology; Transportation
Hunt, Sam	Agriculture & Ecology, Vice Chair; Capital Budget; Technology, Telecommunications & Energy
Hurst, Christopher	Select Committee on Community Security, Chair; Judiciary, Vice Chair; Rules
Jackley, Brock	Natural Resources; Select Committee on Community Security; Transportation
Jarrett, Fred	Higher Education; Judiciary; Transportation
Kagi, Ruth	Children & Family Services, Vice Chair; Appropriations; Criminal Justice & Corrections
Kenney, Phyllis	Higher Education, Chair; Appropriations; Commerce & Labor
Kessler, Lynn	Appropriations; Rules; Select Committee on Community Security
Kirby, Steve	Agriculture & Ecology; Criminal Justice & Corrections; Local Government & Housing; Rules
Lantz, Patricia	Judiciary, Chair; Capital Budget; Higher Education
Linville, Kelli	Agriculture & Ecology, Chair; Appropriations; Technology, Telecommunications & Energy
Lisk, Barbara	Select Committee on Community Security; Appropriations; Rules
Lovick, John	Criminal Justice & Corrections, Vice Chair; Transportation, Vice Chair; Judiciary
Lysen, Toni	Commerce & Labor; Judiciary; Technology, Telecommunications & Energy
Mastin, Dave	Appropriations; Rules

McDermott, Joe	Education; Natural Resources; State Government
McIntire, Jim	Capital Budget, Vice Chair; Financial Institutions & Insurance, Vice Chair; Appropriations
McMorris, Cathy	State Government; Commerce & Labor
Mielke, Tom	Financial Institutions & Insurance; Local Government & Housing; Transportation
Miloscia, Mark	State Government, Vice Chair; Children & Family Services; Financial Institutions & Insurance
Mitchell, Maryann	Transportation
Morell, Dave	Children & Family Services; Criminal Justice & Corrections; Transportation
Morris, Jeff	Technology, Telecommunications & Energy, Chair; Finance; Select Committee on Community Security
Mulliken, Joyce	Local Government & Housing; Rules; Trade & Economic Development
Murray, Ed	Capital Budget, Chair; Transportation
Nixon, Toby	Children & Family Services; Finance; Technology, Telecommunications & Energy
O'Brien, Al	Criminal Justice & Corrections, Chair; Capital Budget; Select Committee on Community Security
Ogden, Val	Capital Budget; Rules; Transportation
Orcutt, Ed	Children & Family Services; Finance; Natural Resources
Pearson, Kirk	Appropriations; Natural Resources
Pflug, Cheryl	Appropriations; Technology, Telecommunications & Energy
Quall, Dave	Education, Chair; Agriculture & Ecology
Reardon, Aaron	Capital Budget; Rules; Technology, Telecommunications & Energy; Transportation
Roach, Dan	Agriculture & Ecology; Finance; Financial Institutions & Insurance
Rockefeller, Phil	Natural Resources, Vice Chair; Education; Transportation
Romero, Sandra	State Government, Chair; Technology, Telecommunications & Energy;

	Transportation
Ruderman, Laura	Technology, Telecommunications & Energy, Vice Chair; Appropriations; Health Care
Santos, Sharon	Education; Finance; Financial Institutions & Insurance; Rules
Schindler, Lynn	Education; State Government; Transportation
Schmidt, Dave	Education; Select Committee on Community Security; State Government
Schoesler, Mark	Agriculture & Ecology; Capital Budget
Schual-Berke, Shay	Health Care, Vice Chair; Appropriations; Select Committee on Community Security
Sehlin, Barry	Appropriations
Simpson, Geoff	Select Committee on Community Security, Vice Chair; Financial Institutions & Insurance; Transportation
Skinner, Mary	Health Care; Higher Education; Transportation
Sommers, Helen	Appropriations, Chair
Sullivan, Brian	Local Government & Housing; Technology, Telecommunications & Energy; Transportation
Sump, Bob	Natural Resources; Agriculture & Ecology
Talcott, Gigi	Education; Appropriations
Tokuda, Kip	Children & Family Services, Chair; Appropriations; Juvenile Justice & Family Law
Upthegrove, Dave	Education; Natural Resources; State Government
Van Luven, Steve	Trade & Economic Development; Finance
Veloria, Velma	Trade & Economic Development, Chair; Capital Budget; Finance
Wood, Alex	Commerce & Labor, Vice Chair; Technology, Telecommunications & Energy; Transportation
Woods, Beverly	Capital Budget; Rules; Transportation

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 15, 2002,
the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIRST DAY, JANUARY 14, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 15, 2002

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

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

MESSAGES FROM THE SENATE

January 14, 2002

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4420,
HOUSE CONCURRENT RESOLUTION NO. 4421,

and the same are herewith transmitted.

Tony M. Cook, Secretary

January 14, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6296,

and the same was herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM SECRETARY OF STATE

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

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

State of Washington, Initiative No. 747

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

Yes 826,258

No 609,266

State of Washington, Initiative No. 773

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

Yes 948,529

No 486,912

State of Washington, Initiative No. 775

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

Yes 880,523

No 522,848

State of Washington, Engrossed Senate Joint Resolution

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

Approved 976,417

Rejected 395,324

State of Washington, House Joint Resolution 4202

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

Approved 573,878

Rejected 761,768

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

SAM REED
Secretary of State

INTRODUCTION & FIRST READING

HB 2330 by Representatives Kenney, Cox, Fromhold, Chase, Quall, Gombosky, Kessler, Lantz, Hurst, Jarrett and McIntire

AN ACT Relating to resident tuition at institutions of higher education; amending RCW 28B.15.012; adding a new section to chapter 28B.15 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 2331 by Representatives Romero, McDermott and D. Schmidt; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2332 by Representatives Romero, McDermott, D. Schmidt, Woods, Ruderman, Miloscia, Esser and Kagi; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2333 by Representatives Romero, McDermott, D. Schmidt and Woods; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2334 by Representatives McDermott, Romero, McMorris, D. Schmidt, Ruderman, Nixon and Ogden; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2335 by Representatives Romero, McDermott, D. Schmidt and Ruderman; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2336 by Representatives McMorris, Rockefeller, Romero and D. Schmidt; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2337 by Representatives Santos, Talcott, Kessler, D. Schmidt, Berkey, Jackley, Upthegrove, Schual-Berke, Wood, Kagi and Ogden; by request of Governor Locke, State Board of Education, Washington State School Directors Association, A+ Commission and Superintendent of Public Instruction

AN ACT Relating to authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals; and amending RCW 28A.655.030.

Referred to Committee on Education.

HB 2338 by Representatives Kagi, Ballasiotes, O'Brien, Lantz, Dickerson, Linville, McIntire, Conway and Wood

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

Referred to Committee on Criminal Justice & Corrections.

HB 2339 by Representatives Linville and Schoesler

AN ACT Relating to conservation districts; amending RCW 29.13.020, 29.21.015, 89.08.020, 89.08.080, 89.08.150, 89.08.160, 89.08.180, 89.08.190, 89.08.200, and 89.08.350; adding a new section to chapter 29.04 RCW; adding a new section to chapter 89.08 RCW; adding a new chapter to Title 29 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2340 by Representatives Sullivan and Cooper

AN ACT Relating to metropolitan municipal corporations; and amending RCW 35.58.320.

Referred to Committee on Local Government & Housing.

HB 2341 by Representatives Eickmeyer, Grant, Schoesler, Doumit and Jackley

AN ACT Relating to controlling game damage to crops; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Natural Resources.

HB 2342 by Representatives Dunshee, Morell, Edwards, Lovick, Cooper and Rockefeller

AN ACT Relating to the repeal of the state prohibition on funding options in RCW 82.02.090 regarding fire protection; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

HB 2343 by Representatives Simpson, Dunshee, Lovick, Cooper and Rockefeller

AN ACT Relating to the repeal of the state prohibition on funding options in RCW 82.02.090 regarding law enforcement, courts, and jails; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

HB 2344 by Representatives Lovick, Dunshee, Edwards, Berkey and Cooper

AN ACT Relating to allowing a second open record hearing and closed record appeal in certain instances; and amending RCW 36.70B.060.

Referred to Committee on Local Government & Housing.

HB 2345 by Representatives Lovick, Delvin, O'Brien, Morell, Berkey, Casada, Conway and Wood

AN ACT Relating to the duty of a driver in an accident; amending RCW 46.52.020; and prescribing penalties.

Referred to Committee on Transportation.

HB 2346 by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission

AN ACT Relating to the uniform parentage act; amending RCW 5.44.140, 5.62.030, 9.41.070, 9.41.800, 74.20.310, 74.20.360, and 74.20A.056; adding new sections to chapter 26.26 RCW; repealing RCW 26.26.010, 26.26.020, 26.26.030, 26.26.035, 26.26.040, 26.26.050, 26.26.060, 26.26.070, 26.26.080, 26.26.090, 26.26.100, 26.26.110, 26.26.120, 26.26.137, 26.26.170, 26.26.180, 26.26.200, 26.26.900, 26.26.901, and 26.26.905; prescribing penalties; and providing an effective date.

Referred to Committee on Juvenile Justice & Family Law.

HB 2347 by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission

AN ACT Relating to the uniform interstate family support act; adding new sections to chapter 26.21 RCW; and repealing RCW 26.21.005, 26.21.015, 26.21.025, 26.21.075, 26.21.085, 26.21.095, 26.21.105, 26.21.115, 26.21.127, 26.21.135, 26.21.145, 26.21.155, 26.21.205, 26.21.215, 26.21.225, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.275, 26.21.285, 26.21.295, 26.21.305, 26.21.315, 26.21.325, 26.21.335, 26.21.345, 26.21.355, 26.21.365, 26.21.375, 26.21.385, 26.21.420, 26.21.450, 26.21.452, 26.21.453, 26.21.455, 26.21.456, 26.21.458, 26.21.460, 26.21.480, 26.21.490, 26.21.500, 26.21.510, 26.21.520, 26.21.530, 26.21.540, 26.21.550, 26.21.560, 26.21.570, 26.21.580, 26.21.590, 26.21.595, 26.21.600, 26.21.620, 26.21.640, 26.21.650, 26.21.912, 26.21.913, 26.21.914, 26.21.915, and 26.21.916.

Referred to Committee on Juvenile Justice & Family Law.

HB 2348 by Representatives Ruderman, Jarrett, Santos, Upthegrove, McIntire, H. Sommers, Schual-Berke, Conway, Wood, Esser, Kagi and Nixon

AN ACT Relating to housing allowances for nonsupervisory K-12 employees; amending RCW 28A.400.200, 84.52.0531, 41.32.010, and 41.40.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Education.

HB 2349 by Representatives Ruderman and Dunshee

AN ACT Relating to requiring a social security number for the purpose of identification; adding a new section to chapter 19.86 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2350 by Representatives Ruderman, McDermott and Nixon

AN ACT Relating to restrictions on mailing by legislators; and amending RCW 42.52.185.

Referred to Committee on State Government.

HB 2351 by Representatives Lantz and Jackley

AN ACT Relating to building a second bridge over the Tacoma Narrows; amending 2001 2nd sp.s. c 14 s 217 (uncodified); and creating a new section.

Referred to Committee on Transportation.

HB 2352 by Representatives Alexander, Lantz and Esser; by request of Governor Locke and Attorney General

AN ACT Relating to transferring statewide risk management functions from the department of general administration to the office of financial management; amending RCW 43.19.025, 43.19.1935, 43.19.1936, 43.19.19362, 43.19.19367, 43.19.19369, 4.92.006, 4.92.040, 4.92.100, 4.92.110, 4.92.130, 4.92.150, 4.92.160, 4.92.210, 4.92.220, 4.92.230, 4.92.240, 4.92.270, 39.59.010, 43.41.110, and 48.62.021; reenacting and amending RCW 43.19.1906; adding new sections to chapter 43.41 RCW; creating new sections; and recodifying RCW 43.19.1935, 43.19.1936, 43.19.19361, 43.19.19362, 43.19.19363, 43.19.19364, 43.19.19367, 43.19.19368, 43.19.19369, and 43.19.540.

Referred to Committee on State Government.

HB 2353 by Representatives Alexander, Lantz, Miloscia and Esser; by request of Governor Locke and Attorney General

AN ACT Relating to state agency loss prevention; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2354 by Representatives Alexander, Lantz and Esser; by request of Governor Locke and Attorney General

AN ACT Relating to expressions of benevolence, sympathy, and regret; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

HB 2355 by Representatives Kagi, Conway, Clements, Dickerson, McIntire and Wood

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.04.020; adding a new section to chapter 50.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2356 by Representatives Kagi, McIntire, Santos, Dickerson, Tokuda, Darneille, Clements, Schual-Berke and Wood

AN ACT Relating to school placement for school age children in foster care; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Children & Family Services.

HB 2357 by Representatives Veloria, Mulliken, Ogden, Fromhold, Upthegrove, Kessler, Schual-Berke, Conway and Kagi

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

Referred to Committee on Trade & Economic Development.

HB 2358 by Representatives Upthegrove and Schual-Berke

AN ACT Relating to annexation of unincorporated territory with boundaries contiguous to two municipal corporations; and amending RCW 57.24.210.

Referred to Committee on Local Government & Housing.

HB 2359 by Representatives Fisher, Cooper, Kessler, Berkey, Jackley, McIntire, Conway, Wood, Kagi and Ogden

AN ACT Relating to authorizing the financing of regional transportation improvements by counties; amending RCW 81.104.140, 81.104.160, 81.104.170, 82.14.045, 82.14.050, 81.100.030, 81.100.060, 82.80.010, 82.80.020, 82.80.030, 82.80.070, 82.80.080, and 47.56.030; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.80 RCW; adding new sections to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; creating new sections; and providing a contingent effective date.

Referred to Committee on Transportation.

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

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

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of Senate Bill No. 6296 which is placed on the Second Reading calendar.

The House recessed until 3:30 p.m.

AFTERNOON SESSION

Speaker Chopp assumed the chair.

The House was called to order at 3:30 p.m. by the Speaker.

MESSAGE FROM THE SENATE

January 14, 2002

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8422,
SENATE CONCURRENT RESOLUTION NO. 8423,
SENATE CONCURRENT RESOLUTION NO. 8424,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE CONCURRENT RESOLUTION NO. 4420,
HOUSE CONCURRENT RESOLUTION NO. 4421,
SENATE CONCURRENT RESOLUTION NO. 8422,
SENATE CONCURRENT RESOLUTION NO. 8423,
SENATE CONCURRENT RESOLUTION NO. 8424,

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate. The Speaker requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate, Lieutenant Governor Brad Owen to a seat on the Rostrum. The Senators were invited to seats within the Chamber.

The Joint Session was called to order by the Speaker. The Clerk called the roll of the House and a quorum was present. The Clerk called the roll of the Senate and a quorum was present.

The Speaker call upon President of the Senate, Lieutenant Governor Brad Owen to preside over the Joint Session.

The President appointed a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber: Representatives Jack Cairnes, Toni Lysen, Jim McIntire and Toby Nixon; Senators Stephen Johnson, Jim Kastama, Adam Kline and Larry Sheahan.

The President appointed a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber: Representatives Maralyn Chase, Dave Morell, Ed Orcutt and Dave Upthegrove; and Senators Don Carlson, Debbie Regala, Rosemary McAuliffe and Pam Roach.

The President appointed a special committee to advise His Excellency, Governor Gary Locke that the Joint Session has been assembled and to escort him from his chambers to the House Chamber: Representatives Ruth Kagi and Cheryl Pflug and Senators Karen Fraser and Mike Hewitt.

The Sergeant at Arms announced that the Supreme Court Justices had arrived. The President requested the committee escort the Justices to the front of the Chamber. The President introduced the Justices of the Supreme Court to the assembly: Chief Justice Gerry Alexander, Associate Chief Justice Charles Z. Smith, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe Bridge, Justice Tom Chambers and Justice Susan Owens.

The Sergeant at Arms announced that the State Elected Officials had arrived. The President requested the committee escort the State Elected Officials to the front of the Chamber. The President

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

The President introduced the honored guests of the diplomatic corps: The Honorable H. Ronald Masnik, President of the Consular Association of Washington and Consul of Belgium; The Honorable Miguel Velasquez, Vice President of the Consular Association of Washington and Consul of Peru; The Honorable Dave Baron, Secretary of the Consular Association of Washington and Vice Consul of the United Kingdom; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Jorge Gilbert, Consul of Chile; The Honorable Vassos Demetriou, Consul of Cyprus; The Honorable Yoshiharu Araki, Deputy Consul General of Japan; The Honorable Moon, Byung-rok, Consul General of the Republic of Korea; The Honorable Jorge Madrazo, Consul of Mexico; The Honorable Nikolai Vinogradov, Consul of the Russian Federation; and The Honorable Jack K.C. Chiang, Director General, Taipei Economic & Cultural Office, Seattle.

The Sergeant at Arms announced that His Excellency, Governor Gary Locke and Mona Lee Locke had arrived. The President requested that the committee escort the Governor and Mrs. Locke to a place on the Rostrum.

The flag was escorted to the Rostrum by the American Legion #138 Color Guard. Prayer was offered by Chaplain Wilby Casey, Tacoma Fire Department.

Chaplain Casey: "May we bow our heads and pray.

Our Heavenly Father, we come to you with humility today because we recognize our need and our dependence upon You. But Lord, we also come with confidence and boldness because we know that Your Grace is all sufficient. Lord, we hold up in prayer today our Governor Gary Locke, each of our Legislators - may you give them divine wisdom this year as they lead us. May their spirit and grace magnify You and our great State. And Lord, we know it is never popular or easy to serve before the public. We know how important and necessary it is. Therefore, we pray, Lord that You would be honored. May our faith be strengthened but most of all, Lord, may those who serve you be endowed with Your Grace and Your Strength. And Lord, we lift up today one of our own, Kelly Bausch, who is undergoing cancer treatment. Bless him and may Your Healing Hand be upon him. Give us all help this year as we open this Session. We give You the glory in Jesus' name. Amen.

President Owen: "It is now my pleasure to present the Governor of the great State of Washington to give his State of the State address. His Excellency the Honorable Gary Locke."

STATE OF THE STATE GOVERNOR GARY LOCKE

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

September 11 On a Tuesday morning last September, we awoke to what started as an ordinary day. We awoke to thoughts of the Mariners beating Anaheim, to the smell of brewing coffee, to the sounds of children scrambling down the stairs in those first days of a new school year.

But our peace and tranquility were shattered as we turned on the television sets to images of anguish and horror. Sounds and pictures of destruction, terror and suffering seared into our memories.

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

So, we gather now in an age tarnished by the evils of a few, and yet invigorated by the goodness and decency of so many.

True Spirit of the American People - Within hours of the attacks, we witnessed the true spirit of the American people, surging up and washing over our despair.

In our state, we saw neighbors come together and stand guard at area mosques against acts of ignorance and bigotry. We saw our children create artwork and raise money for the families of the victims. We saw firefighters throughout Washington travel to Ground Zero in New York City to help in the rescue and recovery efforts among the twisted steel. And we saw members of our National Guard, who are specially trained to respond to any chemical, biological or nuclear threat, assist law enforcement here and in other states. And we saw state employees from our Department of Labor and Industries and the Emergency Management Division go to New York to aid in the recovery efforts.

Please join me in recognizing all of these brave men and women from our state, some of whom are with us here this afternoon: firefighters from the Tri-Cities, members of our National Guard and employees in the Department of Labor and Industries. Please stand and receive our salute and our thanks. Thank you for your dedication.

Let's also pause and thank all of our dedicated state and local public servants who each day labor to provide for the safety and security of all of our residents.

Twenty-four hours after the terrorist attacks, I was overwhelmed to see the sea of faces, 10,000 strong, at the Puyallup Fairgrounds singing patriotic songs but condemning discrimination. And then, two days later, more than 30,000 people gathered at the Westlake Center in Seattle, joining in a West Coast-wide minute of silence in tribute to the victims of September 11.

From the extraordinary outpouring of patriotism, prayer and generosity among children and adults, we understood that the anguish that flows from the terrorist attacks cements our character and unites our faith.

As a nation, we were wounded last year, but in the words of Abraham Lincoln, "we bound up our nation's wounds with the strength and resolve of our people."

We Must Draw Together and Labor in Common Cause for the Greater Good - In the face of adversity, we must draw together and labor in common cause for the greater good. Today we face forces unseen, but we accept those challenges with determination and optimism.

More than four decades ago, President Kennedy said, "In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger."

Eleven days ago, Green Beret Sergeant First Class Nathan Chapman, who lived with his wife and two young children in Puyallup, was the first combat fatality in Afghanistan. He served and died defending our freedom. And six days ago, Marine Sergeant Nathan Hays of Wilbur, Washington, was one of seven Marines killed in a U.S. military plane crash.

Let's observe a moment of silence for them and their families and friends. Imagine the state we could create if each of us captures just a small portion of their courage and energy and dedicates it to the greater good.

Trying Times - These are trying times. We find ourselves with a state economy and a state budget ravaged by war and a national economic recession. We'll pull through, just as we have in the past, but only by working together.

Better Future for Our State - I believe in a better future for our state. I believe that we're a resilient people. But, how well and how fast we respond depends on the foundations we lay in the months ahead.

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

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

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

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

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

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

Build Upon Our Past Successes - We must build upon our past successes, to enhance our economic vitality, to preserve our way of life, and to put our people back to work.

Economic Recession - A study issued last week estimates that as many as 50,000 people in our state will lose their jobs as a direct result of the September 11th terrorist attacks. And our state has been one of the hardest hit by the national economic recession.

Today, we have laid-off aerospace workers struggling to pay their mortgages; today, we have aluminum workers in Spokane and Goldendale worried about college tuition for their children; today, we have recent college graduates unable to find work. Their stories transcend statistics.

State Budget - Just as thousands of families across our state have had to adjust their personal budgets in these tough economic times, so too must we rewrite our state budget.

I've proposed many state budgets as a legislator and governor, but believe me, this was the toughest. All of the programs that I have proposed for elimination or reduction provide valuable services to real people in every part of our state. My proposal narrows state government's role as a social services provider. But, it protects the most vulnerable children and vulnerable adults, for we must ensure that the safety net remains strong and intact.

The budget I'm proposing lays the foundation for our future. The half-a-billion dollars in proposed spending cuts will save more than that, more than a billion dollars in the next biennium.

In addition to reducing costs and preserving core services, we continue to improve business practices within state government and achieve millions of dollars in savings through efficiencies. And, we can balance our budget without a general tax increase.

Education Remains Our Paramount Duty - Education, of course, remains our paramount duty. Great public schools are the cornerstone for our state's long-term success. And that's why funding for basic education, class-size reduction and higher academic achievement simply cannot be compromised. And the planned enrollment increases in higher education must be maintained. Indeed, we must retrain even more workers so that when our economy improves -- and it will -- our workers will be ready for family-wage jobs.

Tough Decisions - But now is a time for tough decisions. We have a \$1.25 billion deficit that we must address. I know many legislators have differing ideas on the solution. I pledge to work together with all of you to develop a fair, balanced and humane budget for the people of our state. Rewriting the budget is part of our constitutional charge: we are required to have a balanced budget.

If We Don't Act, Who Will? - But in so many areas, like transportation, education, clean and plentiful water, and economic revitalization, we must ask ourselves, "if we don't act, who will?" These problems won't fix themselves. We must rise to the challenge. We must accept the risks. We must act.

Transportation - Our transportation problems present us with just such a challenge. We all want Washington and our citizens to prosper. But we will not prosper with a transportation system that is broken, that chokes progress, that diminishes our competitiveness. Our businesses understand that. Our farmers understand that. Our families and our friends understand that.

Our state's Competitiveness Council determined that the single most important thing we can do to enhance our state's economy and quality of life is to enact a long-term transportation plan that fixes congestion.

We must not allow our economic future to grind to a halt on our broken streets and highways. And, whether we live in the country or the city, we must ensure the safety of our loved ones who now travel highways in desperate need of repair.

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

And there is no reason why we can't pass transportation reforms and efficiencies within the next few days and have it on my desk for signature.

Improving transportation provides lasting economic development in rural and urban counties, it reduces congestion, enhances safety and enables businesses to grow. Highway construction alone will create more than 20,000 new private-sector jobs throughout our state in the first few years.

We must act, because what's at stake is the future of our state.

Of course, we have other objectives.

Education - In education: Yes, our test scores are rising. But we must work to erase the growing disparity in achievement among ethnic groups. Education begins at home and that's why we

must encourage more parental involvement. Because reading is the foundation of academic success, I will launch a major literacy and parental involvement campaign this spring, mobilizing the help of businesses, volunteers and non-profits.

Water - In water, we must build on our successes from last year and ensure safe, clean and abundant water for our growing communities, for farmers and for fish. I'm taking administrative action and submitting legislation to implement recommendations of our state's Competitiveness Council. Together we will forge ahead with tax simplification and streamlining our permitting process, but without compromising our environmental standards.

Anti-Terrorism Laws - Lastly, I'm proud that our state is better prepared than most to respond to any terrorist attack. But, we need stronger laws to prevent and prosecute terrorist acts, while at the same time ensuring our civil liberties. And I urge you to pass the legislation that our great Attorney General and I have submitted to you. And let's pass legislation mandating harsher penalties for those who commit crimes motivated by bigotry and hate.

No Ordinary Session, No Ordinary Time - Of course, we have other objectives. But I won't list them all today. For this is no ordinary session and this is no ordinary time. We live in an age of an invigorated initiative process, one that holds a mirror to citizens and elected officials alike. It's a cherished part of our state's governing process, but so, too, is the legislative process. We manifest a government of, by and for the people.

We Must Deliver - Ladies and gentlemen, if we want to reinforce faith in government by our citizens, we must deliver. I was moved by the patriotism, prayer and the generosity of the thousands of citizens across our state who assembled to memorialize the victims of terror. I was so proud that our citizens expressed solidarity with their Muslim neighbors. They renewed my faith that we can create great possibilities for our children and our grandchildren.

Enormous Challenges - We approach the enormous challenges before us, not because they're easy -- they're not -- but because they're right for our state. And they're right for future generations to come.

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

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

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

The President thanked the Governor for his stirring remarks and asked the special committee to escort Governor and Mrs. Locke from the House Chamber.

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

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

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

The President relinquished the chair to the Speaker.

The Speaker requested the Sergeant at Arms of the House and the Sergeant at Arms of the Senate escort President of the Senate Lieutenant Owen and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 16, 2002, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

SECOND DAY, JANUARY 15, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 16, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amanda Brown and Chris Zapotocky. Prayer was offered by Rabbi Michael Latz, Temple B'Nai Torah, Bellevue.

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

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

January 16, 2002

Mr. Speaker:

The President has signed

HOUSE CONCURRENT RESOLUTION NO. 4420,
HOUSE CONCURRENT RESOLUTION NO. 4421,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2360 by Representatives Conway, Campbell, Cody, Edwards, Wood and Schual-Berke

AN ACT Relating to the regulation of negotiations between health providers and health carriers; amending RCW 43.72.300 and 43.72.310; adding a new section to chapter 43.72 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2361 by Representatives Fisher, Hatfield, Hankins, Lovick, Edwards and Kenney; by request of Department of Licensing

AN ACT Relating to authorization for the department of licensing to include advertising in its publications; adding a new section to chapter 46.01 RCW; and adding a new section to chapter 46.68 RCW.

Referred to Committee on Transportation.

HB 2362 by Representatives Hatfield, Hankins, Cooper and Anderson; by request of Department of Licensing

AN ACT Relating to the motorcycle skills education course participation fee; and amending RCW 46.81A.020.

Referred to Committee on Transportation.

HB 2363 by Representatives Dickerson, Delvin, Hurst, O'Brien, Tokuda, Lovick, Edwards, Kagi, Sommers and Schual-Berke

AN ACT Relating to video and computer games depicting violence against public law enforcement officers; adding a new section to chapter 9.91 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2364 by Representatives Dickerson, Kenney, Conway, Fisher, Rockefeller, Kagi, Cody, Darneille, Chase, Tokuda, Kirby, Edwards, Santos, Lysen, Wood, Simpson, Schual-Berke and Jarrett

AN ACT Relating to use of employer-granted leave to care for family members with serious medical conditions; amending RCW 49.12.270; and adding new sections to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2365 by Representatives Cooper, Benson, Bush, Anderson, Mulliken, Delvin, Alexander, Talcott and Esser; by request of State Treasurer and Superintendent of Public Instruction

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

Referred to Committee on Financial Institutions & Insurance.

HB 2366 by Representatives Ogden, Woods, Romero, Skinner and Chase; by request of Secretary of State

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

Referred to Committee on State Government.

HB 2367 by Representatives Lantz, Ballasiotes, Cody, McDermott, Veloria, Lysen, Darneille, Dickerson, Linville, Lovick, Edwards, Kagi and Kenney

AN ACT Relating to advance directives for mental health treatment; amending RCW 11.94.010, 11.88.010, and 11.88.030; adding a new chapter to Title 71 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2368 by Representatives Buck, Hatfield, Schoesler, Sump, DeBolt, Pearson, Roach, McMorris, Boldt, Mielke, Mulliken, Holmquist, Ahern, Morell and Grant

AN ACT Relating to the state legislative fish and wildlife committee; adding a new chapter to Title 77 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

HB 2369 by Representatives Buck and Delvin

AN ACT Relating to tracts of land of one acre or less within irrigation districts; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2370 by Representatives Schoesler, Cox, Eickmeyer, Ahern, Chandler, Mulliken and Haigh

AN ACT Relating to county road engineers; and amending RCW 36.80.010.

Referred to Committee on Local Government & Housing.

HB 2371 by Representative Delvin

AN ACT Relating to changing the age of consent for minors receiving chemical dependency and mental health treatment; and amending RCW 70.96A.095, 70.96A.230, 70.96A.235, 71.34.030, 71.34.040, 71.34.042, 71.34.046, and 71.34.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 2372 by Representatives Delvin, Sump, Kirby and Esser

AN ACT Relating to the taxation of funeral caskets; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2373 by Representatives Delvin, Nixon, Mulliken, Anderson, Holmquist, Ahern, Casada, Morell, Sump and Campbell

AN ACT Relating to requiring the teaching of the Constitutions of the United States and Washington state; amending RCW 28A.230.170; adding new sections to chapter 28A.230 RCW; and creating new sections.

Referred to Committee on Education.

HB 2374 by Representatives Delvin, Lovick, Conway, Cooper, Nixon, Dickerson, Edwards and Esser

AN ACT Relating to nonjudicial days; and amending RCW 2.08.030, 3.30.040, 3.50.110, and 35.20.020.

Referred to Committee on Judiciary.

HB 2375 by Representatives Rockefeller, Buck, Doumit, Sump, Dunshee, Ericksen, Jackley, Kessler, Eickmeyer, Edwards, Woods, Haigh and McDermott

AN ACT Relating to trust land transfers; and amending RCW 79.01.009.

Referred to Committee on Natural Resources.

HB 2376 by Representatives Rockefeller, Doumit, Eickmeyer, Dickerson, Hunt, Lantz, Edwards, Romero, Haigh, McDermott and Jackley

AN ACT Relating to abandoned and derelict vessels; amending RCW 88.02.030, 88.02.050, 79A.65.010, 79A.65.020, 79A.65.030, and 53.08.320; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 79 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2377 by Representatives Dickerson, Grant, Dunshee, Chase, Edwards, Kagi, Dunn, Wood and Pflug

AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505; and adding a new section to chapter 10.105 RCW.

Referred to Committee on Judiciary.

HB 2378 by Representatives Dickerson, Kagi, Tokuda, Chase, Kenney and Schual-Berke

AN ACT Relating to abuse or neglect of children; and amending RCW 26.44.020.

Referred to Committee on Children & Family Services.

HB 2379 by Representatives Dickerson, O'Brien, Tokuda, Veloria, Darneille, Chase, Kirby and Lovick

AN ACT Relating to leaving a child with a sex offender; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2380 by Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh

AN ACT Relating to segregation of children offenders from adult offenders; amending RCW 72.01.410; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 2381 by Representatives Veloria, Van Luven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Upthegrove, Edwards, Santos, Kagi and Haigh

AN ACT Relating to the trafficking of persons; amending RCW 7.68.020; and creating new sections.

Referred to Committee on Criminal Justice & Corrections.

HB 2382 by Representatives Dickerson, O'Brien, Kagi, Darneille and Chase

AN ACT Relating to criminal mistreatment; amending RCW 9A.42.010, 9A.42.035, 9A.42.040, and 9A.42.045; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2383 by Representatives Berkey, Gombosky and Haigh; by request of Department of Revenue

AN ACT Relating to tax exemptions for entities organized solely for the purposes of transplanting or replacing human blood, bone, or tissue; amending RCW 82.04.324; and creating a new section.

Referred to Committee on Finance.

HB 2384 by Representatives Armstrong, Simpson, McMorris, Ruderman, Morell, Hunt, Dickerson, Eickmeyer, Anderson, Lisk, Schoesler, Chandler, Woods, Delvin, Buck, Conway, Alexander, Cody, Campbell and Haigh

AN ACT Relating to managers under the state civil service law; amending RCW 41.06.022; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 2385 by Representatives Jackley, Schmidt, Simpson, Barlean, Hurst, Ballasiotes, Benson, Haigh, Morell and Miloscia

AN ACT Relating to membership of the emergency management council; and amending RCW 38.52.040.

Referred to Committee on State Government.

HB 2386 by Representatives Simpson, Schmidt, Hurst, Benson, Haigh, Barlean, Conway, Bush, Delvin, Miloscia, Linville, Campbell, Talcott, Lovick, Dunn, Esser and Jackley

AN ACT Relating to classifying members of the Washington national guard as resident students; amending RCW 28B.15.012; reenacting and amending RCW 28B.15.012 and 28B.101.040; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2387 by Representatives Doumit, Alexander, Cooper, Conway, Delvin, Chase and Haigh; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2388 by Representatives Conway, Doumit, Cooper, Alexander, Delvin, Eickmeyer, Miloscia, Chase, Linville, Edwards, Lysen, Haigh, Kenney and Simpson; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2389 by Representatives Conway, Doumit, Cooper, Delvin, Talcott, Lovick, Lysen, Haigh and Simpson; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2390 by Representatives Doumit, Cooper, Alexander, Conway, Linville, Talcott, Kirby, Lysen, Kenney, Simpson, Esser and Jackley; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2391 by Representatives Conway, Doumit, Delvin, Morell, Linville, Talcott, Edwards, Lovick, O'Brien, Haigh, Simpson, Esser and Jackley; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2392 by Representatives Delvin, Doumit, Alexander, Morell, Eickmeyer, Linville, Lovick, Haigh and Esser; by request of Joint Committee on Pension Policy

AN ACT Relating to transferring service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and who

became commissioned officers in the Washington state patrol after July 1, 2000, and prior to June 30, 2001; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Appropriations.

HB 2393 by Representatives Alexander, Doumit, Morell, Rockefeller, Linville, Edwards, Lovick, O'Brien, Woods and Haigh; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2394 by Representatives Alexander, Cooper, Doumit, Delvin, Conway, Linville, Haigh and Simpson; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2395 by Representatives Doumit, Alexander, Cooper, Conway, Delvin, Dickerson, Ogden, Rockefeller, Linville, Talcott, Hunt, Lovick, Lysen, Kagi, McIntire, Haigh, Simpson, Chase and Jackley; by request of Joint Committee on Pension Policy

AN ACT Relating to providing a death benefit for certain state employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

HB 2396 by Representatives Doumit, Cooper, Conway, Eickmeyer, Edwards and Haigh; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

HB 2397 by Representatives Linville, Schoesler and Hunt; by request of Department of Agriculture

AN ACT Relating to organic food products; amending RCW 15.86.010, 15.86.020, 15.86.030, 15.86.060, 15.86.070, and 15.86.090; adding a new section to chapter 15.86 RCW; repealing RCW 15.86.031, 15.86.035, 15.86.050, 15.86.080, and 15.86.100; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2398 by Representatives Buck, Doumit, Eickmeyer, Rockefeller, Jackley, Woods, McDermott and Haigh; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources.

HB 2399 by Representatives Rockefeller, Doumit, Jackley, Chase, McDermott and Haigh; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources.

HB 2400 by Representatives Eickmeyer, Buck, Doumit, Sump, Jackley, Rockefeller, Dunn, McDermott and Haigh; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources.

HB 2401 by Representatives Doumit, Eickmeyer, Rockefeller, Sump, Jackley, Pearson, Ericksen, Hatfield, Chase, Edwards, McDermott and Haigh; by request of Department of Natural Resources

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

Referred to Committee on Natural Resources.

HB 2402 by Representatives Campbell, Cody, Delvin, Veloria, Dickerson and Lovick

AN ACT Relating to diabetes training for law enforcement and correctional personnel; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Health Care.

HB 2403 by Representatives Kenney, Conway, Veloria, Linville, Campbell, O'Brien, Fromhold, Lovick, Hunt, Hurst, Miloscia, Jackley, Kagi, Schual-Berke, Kessler, Gombosky, Berkey, Cody, Chase, Morris, Dickerson, Tokuda, Cooper, Darneille, Kirby, Upthegrove, Edwards, Romero, Santos, Lysen, Quall, McIntire, Wood, Haigh, McDermott, Simpson and Sullivan

AN ACT Relating to labor relations at the public four-year institutions of higher education; adding a new chapter to Title 41 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2404 by Representatives Berkey, Gombosky, Morris and McIntire; by request of Department of Revenue

AN ACT Relating to implementing the federal mobile telecommunications sourcing act; amending RCW 82.04.065, 82.08.0289, 82.14.020, 82.14B.030, 35.21.714, and 35A.82.060; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2405 by Representatives Miloscia, O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Woods and Esser

AN ACT Relating to the convicted offender DNA data base; amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s 1 (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2406 by Representatives O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Morell, Conway, Veloria, Miloscia, Talcott, Kirby, Woods, Haigh and Esser

AN ACT Relating to a statewide registered sex offender web site; amending RCW 43.43.540; reenacting and amending RCW 4.24.550; and adding new sections to chapter 10.98 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2407 by Representatives Ballasiotes, O'Brien, Lovick, Hurst, Woods, Kagi and Haigh

AN ACT Relating to establishing the authority to create and operate regional jails; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2408 by Representatives Romero, DeBolt, Hunt and Schmidt; by request of Department of Personnel

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

Referred to Committee on State Government.

HB 2409 by Representatives Lovick, Delvin, Morell, Conway, Hurst, O'Brien, Hunt, Kirby, Reardon, Pflug, Ogden, Jackley, Anderson, Morris, Linville, Woods, Kagi and Haigh

AN ACT Relating to creating a law enforcement memorial; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2410 by Representatives Cairnes, Simpson, Kirby, Armstrong and Haigh

AN ACT Relating to advisory board of plumbers; and amending RCW 18.106.110.

Referred to Committee on Commerce & Labor.

HB 2411 by Representatives Haigh, Schmidt, Hurst and Buck; by request of Governor Locke and Attorney General

AN ACT Relating to exemptions from disclosure of public records for domestic security purposes; and reenacting and amending RCW 42.17.310.

Referred to Committee on Select Committee on Community Security.

HB 2412 by Representatives Fromhold, Lisk, Doumit, Chandler, Grant, Hankins, Hatfield and Delvin

AN ACT Relating to ballast water management on the Columbia river; amending RCW 77.120.030, 77.120.040, 77.120.060, and 77.120.070; adding a new section to chapter 77.120 RCW; and creating new sections.

Referred to Committee on Natural Resources.

HB 2413 by Representatives Veloria, Campbell, Conway, Hurst, Dunshee and Kenney

AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 2414 by Representatives Haigh, Anderson, Quall, Talcott, Tokuda, McIntire, Kenney, Chase and Schual-Berke; by request of Governor Locke, Superintendent of Public Instruction, State Board of Education and Professional Educator Standards Board

AN ACT Relating to the professional educator standards board; and amending RCW 28A.410.200 and 28A.410.220.

Referred to Committee on Education.

HB 2415 by Representatives Quall, Talcott, Haigh, Anderson, Rockefeller, Tokuda, Lantz, Romero, McIntire and Chase; by request of Governor Locke, Superintendent of Public Instruction, State Board of Education and Professional Educator Standards Board

AN ACT Relating to qualifications for public school principals and vice principals; and amending RCW 28A.400.100.

Referred to Committee on Education.

HB 2416 by Representatives Hurst, Lisk, O'Brien, Ballasiotes, Buck, Kirby, Lovick and Haigh

AN ACT Relating to terrorism investigations pursuant to the privacy act; amending RCW 9.73.240; adding new sections to chapter 9.73 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Select Committee on Community Security.

HB 2417 by Representatives Cooper and Lovick

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

Referred to Committee on Transportation.

HB 2418 by Representatives Cooper, Hankins and Lovick

AN ACT Relating to regulation of individual mobility transportation devices; amending RCW 46.04.169, 46.04.304, 46.04.320, 46.04.330, 46.04.332, 46.04.670, 35.75.010, 35.75.020, 46.61.710, and 46.20.500; reenacting and amending RCW 43.59.150; adding a new section to chapter 46.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2419 by Representatives Simpson, Conway, Morris, Cooper, Schmidt, Kirby, Lovick, Wood, Haigh, Kenney, Chase, Schual-Berke and Jackley; by request of Governor Locke and Attorney General

AN ACT Relating to price gouging during significant disruption, emergency, or disaster; and adding a new section to chapter 38.52 RCW.

Referred to Committee on Select Committee on Community Security.

HB 2420 by Representatives Morell, Lovick, Benson, Boldt, Cox, Armstrong, Esser, Anderson, Schmidt and Haigh

AN ACT Relating to improving the security of Washington state driver's licenses by verifying the citizenship or legal residence of applicants for driver's licenses in Washington and verifying the Social Security numbers of applicants for driver's licenses in Washington; amending RCW 46.20.091; adding new sections to chapter 46.20 RCW; and creating new sections.

Referred to Committee on Select Committee on Community Security.

HB 2421 by Representatives Morell, O'Brien, Wood, Lovick, Armstrong, Boldt, Cox, Jackley, Kagi and Haigh

AN ACT Relating to public access to records concerning security assessments or plans at correctional facilities; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2422 by Representatives Morell, Darneille, Boldt, Miloscia, Clements and Lovick

AN ACT Relating to driver training schools; and amending RCW 46.82.280 and 46.82.360.

Referred to Committee on Transportation.

HB 2423 by Representatives Ruderman, Cooper, Romero, Dunshee, Chase, Rockefeller, Linville, Hunt, Kirby, Kagi and Jarrett

AN ACT Relating to green lanes; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2424 by Representatives Schual-Berke, Hatfield, Conway, Doumit, Dunshee, Veloria, Darneille, O'Brien, Fromhold, Ruderman, Cody, Chase, Morris, Dickerson, Ogden, Rockefeller, Linville, Tokuda, Cooper, Berkey, Reardon, Hurst, Hunt, Upthegrove, Lantz, Romero, Santos, Lysen, Quall, Kagi, McIntire, Sommers, Haigh, Wood, McDermott, Kenney, Simpson, Lovick and Jackley; by request of Governor Locke and Superintendent of Public Instruction

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

Referred to Committee on Education.

HB 2425 by Representatives Doumit, Dunn, Hatfield, Veloria, Conway, Ogden, Rockefeller, Linville, Lantz, Kagi, McIntire, Haigh, Wood, Kessler, Kenney, Simpson and Jackley; by request of Governor Locke

AN ACT Relating to the community economic revitalization board; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.84 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 2426 by Representatives Jackley, Sump, Rockefeller, Doumit, Pearson, Morell and Chase

AN ACT Relating to acting for commercial purposes under the fish and wildlife code; amending RCW 77.15.110, 77.15.500, and 77.15.560; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2427 by Representatives Conway, O'Brien, Cody, Dickerson, Ogden, Cooper, Berkey, Reardon, Veloria, Hurst, Hunt, Kirby, Upthegrove, Romero, Kagi, McIntire, Haigh, Wood, Kenney, Simpson and Sullivan; by request of Department of Labor & Industries

AN ACT Relating to occupational safety and health impacts grants; adding new sections to chapter 49.17 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 2428 by Representatives Armstrong, McMorris, Mulliken, Sump, Morell, Schoesler, Chandler and Hatfield

AN ACT Relating to allowing rural counties to remove themselves from the requirements to plan under chapter 36.70A RCW; amending RCW 36.70A.040; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2429 by Representatives Linville, Schoesler and Grant

AN ACT Relating to regulating commodity commissions; amending RCW 15.66.010, 15.66.030, 15.66.110, 15.66.120, 15.66.130, 15.66.140, 15.66.185, and 15.66.245; adding new sections to chapter 15.66 RCW; and repealing RCW 15.66.020.

Referred to Committee on Agriculture & Ecology.

HB 2430 by Representatives Kessler, Cody, Schual-Berke, Veloria, Chase, Dickerson, Santos, Haigh and Kenney

AN ACT Relating to access to health insurance for small employers and their employees; amending RCW 48.21.045, 48.44.023, 48.46.066, 48.43.035, and 70.47.020; adding a new section to chapter 48.43 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 2431 by Representatives Cody, Campbell, Sommers, Schual-Berke, Fromhold, Hunt, Doumit, McIntire, Lysen, Hatfield, Conway, Veloria, Chase, Ogden, Upthegrove, Romero, Santos, Kagi, Haigh, Wood, Kenney and Simpson

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

Referred to Committee on Health Care.

HB 2432 by Representatives Lovick, Jarrett and Mitchell

AN ACT Relating to driving record abstracts furnished to transit authorities; and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2433 by Representatives Conway, Delvin, Cooper, Clements, Doumit, Bush, Cox, Fromhold, Linville, Santos, Haigh, Wood, McDermott and Armstrong

AN ACT Relating to providing optional service credit for substitute service to members of the school employees' retirement system; amending RCW 41.35.010 and 41.35.030; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Appropriations.

HB 2434 by Representatives Gombosky, Berkey and Rockefeller; by request of Department of Revenue

AN ACT Relating to revising the tobacco products tax by imposing the tax upon those persons who acquire tobacco products for resale from persons who are immune from state tax; amending RCW 82.26.010, 82.26.020, 82.26.025, and 82.26.030; and providing an effective date.

Referred to Committee on Finance.

HJM 4018 by Representatives Veloria, Morell, Grant, Mastin, Chase, Clements, Hunt, Santos, Schoesler and Haigh

Petitioning to end restrictions on trade with Cuba.

Referred to Committee on Trade & Economic Development.

HJR 4219 by Representatives Schual-Berke, Hatfield, Conway, Doumit, Dunshee, Veloria, Darneille, O'Brien, Ruderman, Fromhold, Cody, Chase, Morris, Dickerson, Rockefeller, Linville, Cooper, Berkey, Reardon, Hurst, Hunt, Upthegrove, Edwards, Lantz, Romero, Santos, Lysen, Kagi, McIntire, Sommers, Wood, McDermott, Haigh, Kenney, Simpson and Lovick; by request of Governor Locke and Superintendent of Public Instruction

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

Referred to Committee on Education.

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

REPORTS OF STANDING COMMITTEES

January 14, 2002

HB 1521 Prime Sponsor, Representative Simpson: Authorizing the state treasurer to distribute interest from the local leasehold excise tax account. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Rules Committee for second reading.

January 14, 2002

HB 2169 Prime Sponsor, Representative Alexander: Issuing warrants by fire districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Rules Committee for second reading.

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

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

There being no objection, the Committee on Appropriations was relieved of further consideration on House Bill No. 1328 and the bill was referred to the Committee on Health Care.

There being no objection, the Committee on Appropriations was relieved of further consideration on House Bill No. 1345 and the bill was referred to the Committee on State Government.

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

SECOND READING

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

Revising timelines for redistricting plans.

The bill was read the second time.

MOTIONS

On motion of Representative Santos, Representative Murray was excused. On motion of Representative Woods, Representative Dunn was excused.

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

Representatives Kessler and McMorris spoke in favor of passage of the bill.

Representative Talcott spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6296.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6296 and the bill passed the House by the following vote: Yeas - 93, Nays - 3, Absent - 0, Excused - 2, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Cooper, Reardon and Talcott - 3.

Excused: Representatives Dunn and Murray - 2.

Senate Bill No. 6296, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 17, 2002, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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THIRD DAY, JANUARY 16, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 17, 2002

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

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

MESSAGE FROM THE SENATE

January 17, 2002

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748,
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5749,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5759,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5760,
THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5764,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

INTRODUCTION & FIRST READING

HB 2435 by Representatives Jackley, Eickmeyer, Doumit, Buck, Rockefeller, Clements, Berkey and Orcutt; by request of Department of Fish and Wildlife

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

Referred to Committee on Natural Resources.

HB 2436 by Representatives Eickmeyer, Buck, Doumit, Rockefeller, Clements, Jackley and Haigh; by request of Department of Fish and Wildlife

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

Referred to Committee on Natural Resources.

HB 2437 by Representatives Veloria, Talcott, Conway, Darneille, Dunn, Lovick, Chase, Wood, Jackley and Ogden

AN ACT Relating to downtown and neighborhood commercial districts; adding a new chapter to Title 35 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2438 by Representatives Kenney, Cox, Lantz, Jarrett, Quall, Haigh, Chase, Jackley, Darneille, Ogden and McIntire; by request of The Evergreen State College

AN ACT Relating to the participation in the running start program by institutions of higher education; and amending RCW 28A.600.300.

Referred to Committee on Higher Education.

HB 2439 by Representatives O'Brien, Edwards, Schmidt, Benson, Jackley, Ballasiotes, Morris, Simpson, Van Luven, Lovick, Wood, Esser, Darneille, Ogden, Pflug and Haigh

AN ACT Relating to services for children with developmental disabilities; adding a new section to chapter 71A.18 RCW; and creating a new section.

Referred to Committee on Children & Family Services.

HB 2440 by Representatives Romero, Cooper, Fisher, Mitchell, Murray, Sullivan, Wood, Ogden and McIntire

AN ACT Relating to integration of transportation and land use planning; amending RCW 35.63.060, 35A.63.060, 47.05.051, and 47.06.040; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

HB 2441 by Representatives Crouse, Morris, DeBolt, Wood, Berkey, Bush, Hunt, Ruderman, Delvin, Esser, Anderson and Pflug

AN ACT Relating to amending the authority and duties of the joint committee on energy supply; and amending RCW 44.39.070 and 43.21G.040.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2442 by Representatives Morris, Crouse, Reardon, DeBolt, Anderson, Esser and Pflug

AN ACT Relating to studying the functions of the utilities and transportation commission to transfer them to existing agencies; creating new sections; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2443 by Representatives Morris, Jackley and Pflug

AN ACT Relating to public service companies; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2444 by Representatives Darneille, Campbell, Jarrett, Gombosky, Lovick, Ruderman, Pflug, Haigh and Kenney

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

Referred to Committee on Health Care.

HB 2445 by Representatives Darneille, Campbell, Jarrett, Gombosky, Lovick, Ogden, Pflug and Haigh

AN ACT Relating to studying long-term care insurance costs; and creating new sections.

Referred to Committee on Health Care.

HB 2446 by Representatives Miloscia, Mulliken, DeBolt and Dunshee

AN ACT Relating to state agency review of water and sewer general comprehensive plans; adding a new section to chapter 43.20 RCW; adding a new section to chapter 43.21A RCW; and adding a new section to chapter 70.116 RCW.

Referred to Committee on Local Government & Housing.

HB 2447 by Representatives Quall and Haigh

AN ACT Relating to contracting for services performed by classified employees; and amending RCW 28A.400.285.

Referred to Committee on Education.

HB 2448 by Representatives Quall, Talcott, Haigh and Cox

AN ACT Relating to authorizing access to school meal programs and kitchen facilities; and amending RCW 28A.235.120.

Referred to Committee on Education.

HB 2449 by Representatives Fisher, Chase, Jackley and Ogden; by request of Governor Locke

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

Referred to Committee on Transportation.

HB 2450 by Representatives Hatfield, Dunshee, DeBolt, Jarrett and Anderson

AN ACT Relating to the trade center act; amending RCW 53.29.010, 53.29.020, and 53.29.030; and adding a new section to chapter 53.29 RCW.

Referred to Committee on Local Government & Housing.

HB 2451 by Representatives Fisher, Chase and Ogden; by request of Governor Locke

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

Referred to Committee on Transportation.

HB 2452 by Representatives Fisher and Chase; by request of Governor Locke

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

Referred to Committee on Transportation.

HB 2453 by Representatives Bush, Haigh, Schmidt, Simpson, Conway, Reardon, Mielke, Wood, Talcott, Miloscia, Cairnes, McIntire, Campbell, Orcutt, Pflug, Cooper, Nixon, Jackley, Ahern, Rockefeller, Van Luven, Esser, Ogden and Woods

AN ACT Relating to exemptions from public inspection; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2454 by Representatives Dickerson, Esser, Jarrett, Darneille, Tokuda and Haigh

AN ACT Relating to a study by the institute for public policy to create a system to encourage investment in proven intervention and prevention programs for at-risk youth; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Juvenile Justice & Family Law.

HB 2455 by Representatives Darneille, Santos, Murray, Dickerson, Veloria, McIntire, Lovick, Miloscia, Chase, Fisher and Wood

AN ACT Relating to restoring voting rights to felons upon completion of supervision; adding new sections to chapter 9.94A RCW; and adding a new section to chapter 9.96 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2456 by Representatives Kessler, Hankins, Cooper, Chase, Conway, Jackley, Veloria, Ogden, Kenney, McDermott and McIntire; by request of Department of Community, Trade, and Economic Development

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

Referred to Committee on Financial Institutions & Insurance.

HB 2457 by Representatives Sommers and Lovick; by request of Department of Social and Health Services

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.020, 74.46.165, 74.46.310, 74.46.320, 74.46.330, 74.46.350, 74.46.410, 74.46.431, 74.46.435, 74.46.437, 74.46.439, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; and repealing RCW 74.46.433.

Referred to Committee on Appropriations.

HB 2458 by Representative Sommers; by request of Department of Social and Health Services

AN ACT Relating to licensing fees for adult family homes; and amending RCW 70.128.060.

Referred to Committee on Appropriations.

HB 2459 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to changes in children's programs and services as a result of budget reductions; amending RCW 13.40.510, 43.70.555, 74.14A.060, 74.14C.005, 13.32A.040, 13.32A.100, 13.32A.140, 13.32A.150, 13.32A.160, 13.32A.191, 13.32A.194, 13.32A.196, 13.32A.010, 13.32A.030, 13.32A.192, 74.13.032, 74.13.033, 74.13.034, 74.15.220, 74.15.240, 74.20A.030, 13.34.270, 74.13.350, 74.14D.020, 74.14D.030, 28A.225.015, 28A.225.020, 28A.225.025, and 28A.225.030; reenacting and amending RCW 69.50.520, 13.32A.060, 13.32A.065, and 13.32A.130; creating a new section; repealing RCW 74.14C.050, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 74.13.0321, 74.14D.040, and 28A.225.151; and providing an effective date.

Referred to Committee on Appropriations.

HB 2460 by Representative Sommers; by request of Governor Locke

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

Referred to Committee on Appropriations.

HB 2461 by Representatives Schual-Berke, Campbell, Cody, Edwards, Conway, Darneille, Lysen, Chase, Wood, Pflug and Kenney

AN ACT Relating to federal waiver requests affecting the medical assistance program; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Health Care.

HB 2462 by Representatives Schual-Berke, Campbell, Cody, Edwards, Darneille, Hunt, Conway, Chase and Pflug

AN ACT Relating to requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Health Care.

HB 2463 by Representatives Eickmeyer, Sump, Jackley, Rockefeller, Doumit, Haigh, Pearson, Grant and Chase

AN ACT Relating to limitations on fishing for salmon and other depressed fish stocks in Hood Canal; amending RCW 77.85.010; adding a new section to chapter 77.85 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 2464 by Representatives Veloria, Chase, Ogden, Kenney and McIntire; by request of State Treasurer

AN ACT Relating to the linked deposit program; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Financial Institutions & Insurance.

HB 2465 by Representatives Sehlin, Barlean and Kessler

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

Referred to Committee on Trade & Economic Development.

HB 2466 by Representatives Morell, Kirby, Edwards, Darneille, Van Luven, Anderson, Simpson, Talcott, Hunt, Esser, Ahern, Carrell, Jarrett, Bush, Boldt, Casada and Woods

AN ACT Relating to the multiple-unit dwellings property tax exemption; and amending RCW 84.14.010 and 84.14.020.

Referred to Committee on Finance.

HB 2467 by Representatives Sullivan, Dunshee, DeBolt, Mulliken and Berkey

AN ACT Relating to distribution of taxes by the county treasurer; and amending RCW 84.56.230.

Referred to Committee on Local Government & Housing.

HB 2468 by Representatives Miloscia, O'Brien and Wood; by request of Governor Locke

AN ACT Relating to the convicted offender DNA data base; amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s 1 (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2469 by Representatives Wood, Kenney, Dickerson, Reardon, Grant, Morris, Kessler, Chase and Conway

AN ACT Relating to noncompetition agreements involving the broadcasting industry; adding a new section to chapter 49.44 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2470 by Representatives Conway, Campbell, Cairnes, Cooper, Hunt, Hurst, Quall, Armstrong, Delvin, Tokuda and Kenney

AN ACT Relating to plumbing contractors; amending RCW 18.27.010, 18.27.070, 18.106.010, 18.106.020, 18.106.180, and 18.106.250; adding a new section to chapter 18.106 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HJM 4019 by Representatives Simpson, Benson, Jarrett, Cooper, Sullivan, Conway, Dunshee, Hunt, Eickmeyer, Quall, Fromhold, Ogden, Cairnes, Holmquist, Morell, Mulliken, Hurst, Santos, Hatfield, Lysen, Kessler, Lovick, Chase, Ruderman, Wood, Esser, Schual-Berke, Jackley, Veloria, Darneille, McDermott and McIntire

Requesting Congress to remove unemployment insurance benefits from federal taxation.

Referred to Committee on Commerce & Labor.

HJM 4020 by Representatives Simpson, Benson, Jarrett, Cooper, Sullivan, Conway, Dunshee, Hunt, Eickmeyer, Quall, Ruderman, Ogden, Fromhold, Cairnes, Morell, Hurst, Mulliken, Santos, Hatfield, Holmquist, Lysen, Pearson, Kessler, Chase, Wood, Esser, Schual-Berke, Jackley, Darneille, Pflug, Woods, Kenney, McDermott and McIntire

Requesting Congress to restore the retail sales tax deduction for the federal income tax.

Referred to Committee on Finance.

HJM 4021 by Representatives Buck, Rockefeller, Chandler, Holmquist, Schoesler, Mulliken, Sump, Cox, Pflug, Delvin, Cairnes, Sehlin, Armstrong, Jackley, Ballasiotes, Ahern, Talcott, Nixon, Jarrett, Skinner, Anderson, Lovick, Kenney, Morell, Schmidt, Miloscia, Simpson, Berkey, Lantz, Darneille, Fromhold, Hunt, Cooper, Conway, Casada, Esser, Campbell, Dunshee, Sommers, Gombosky, Ruderman, Eickmeyer, Kagi, Tokuda, Doumit, Sullivan, Cody, Wood, Pearson, Van Luven, Kessler, Chase, Ogden, Haigh and Woods

Honoring West Point on its 200th Anniversary.

Referred to Committee on State Government.

HCR 4422 by Representatives Schual-Berke, Campbell, Cody, Skinner, Benson, Jackley and Haigh

Establishing the health care work force commission.

Referred to Committee on Health Care.

2ESSB 5743 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to investing in human resources for transportation; amending RCW 47.80.030; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; and creating new sections.

Referred to Committee on Transportation.

ESSB 5748 by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to integration of transportation and land use planning; amending RCW 35.63.060, 35A.63.060, 47.05.051, and 47.06.040; and adding a new section to chapter 47.26 RCW.

Referred to Committee on Transportation.

3ESSB 5749 by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to cost-benefit analysis for transportation planning; amending RCW 47.05.010, 47.05.030, 47.05.035, 47.05.051, and 47.06.130; and providing an effective date.

Referred to Committee on Transportation.

2ESSB 5759 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to priority programming of highway improvements; amending RCW 47.05.051; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

2ESSB 5760 by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Haugen and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to use of intelligent transportation systems and traffic system management; adding a new section to chapter 47.05 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

3ESSB 5764 by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

AN ACT Relating to maintaining and preserving transportation facilities and assets; amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; and creating a new section.

Referred to Committee on Transportation.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 18, 2002, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FOURTH DAY, JANUARY 17, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 18, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amy Pollum and Andrew Easling. Prayer was offered by Representative Dave Quall.

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

MESSAGE FROM THE SENATE

January 17, 2002

Mr. Speaker:

The President has signed
and the same are herewith transmitted.

SENATE BILL NO. 6296,

Brad Hendrickson, Deputy Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SENATE BILL NO. 6296,

RESOLUTION

HOUSE RESOLUTION NO. 2002-4678, by Representatives Rockefeller, Haigh, Woods, Orcutt, Buck, Ballasiotes, Casada, Lantz, Sommers, Jackley, Simpson, Eickmeyer, Jarrett, Talcott, Fromhold, Voloria, Ogden, Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Ericksen, Esser, Fisher, Gombosky, Grant, Hankins, Hatfield, Holmquist, Hunt, Hurst, Kagi, Kenney, Kessler, Kirby, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Pearson, Pflug, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sullivan, Sump, Tokuda, Upthegrove, Van Luven and Wood

WHEREAS, It is the tradition of the Washington State House of Representatives to honor those who serve in our armed forces, risking their lives to protect our own and our nation; and

WHEREAS, Two Bremerton-based Navy vessels, the aircraft carrier USS Carl Vinson and the fast combat support ship USS Sacramento left Washington on July 23, 2001, anticipating one hundred eighty days of routine deployment to implement a no-fly zone over southern Iraq; and

WHEREAS, The unconscionable terrorist attacks on our country September 11, 2001, changed the length of deployment; and

WHEREAS, After the attacks, the USS Carl Vinson moved into position in the North Arabian Sea near Afghanistan and set up for a safe-keeping mission that may have been the most arduous in this ship's history; and

WHEREAS, The USS Carl Vinson stayed on station longer and undertook extraordinary defense actions, and had a crew and air wing of six thousand committed men and women who worked twelve to fifteen hours a day, seven days a week; and

WHEREAS, The first efforts to serve and protect our nation from future terrorist attacks came from the USS Carl Vinson; and

WHEREAS, The USS Sacramento provided the critical support that the USS Carl Vinson needed to carry out its security assignment; and

WHEREAS, As naval forces from the United States, Great Britain, Australia, Canada, Italy, and Japan arrived in the waters off Pakistan, the USS Sacramento became one of the most significant assets restoring our nation's hope for safety, completing a total of one hundred sixty-eight alongside replenishments with forty-three different ships, transferring more than thirty-four million gallons of fuel and thousands of pallets of food, stores, parts, and mail; and

WHEREAS, Practically every gallon of fuel used by, and all defense actions taken to protect our citizens, from a USS Carl Vinson jet came from the USS Sacramento; and

WHEREAS, After seventy-three days in support of "Operation Enduring Freedom," in addition to more than one hundred days at sea elsewhere - and after traveling 51,343.2 nautical miles, the equivalent of more than two times around the world, the USS Carl Vinson and the USS Sacramento are headed home this month; and

WHEREAS, Those on board the USS Carl Vinson and the USS Sacramento are heroes and an inspiration to others; and

WHEREAS, All residents of Washington appreciate their dedication and the sacrifices they have made for the good of us all;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the selfless service of the officers and crews of the USS Carl Vinson and the USS Sacramento and welcome them home; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Captain Steven R. Kremer, Commanding Officer of Naval Station Bremerton, Captain Richard B. Wren, Commanding Officer of the USS Carl Vinson, and Captain J.D. Cloyd, Commanding Officer of the USS Sacramento.

Representative Rockefeller moved the adoption of the resolution.

Representatives Rockefeller, Woods, Lantz, Jackley and Cairnes spoke in favor of the adoption of the resolution.

House Resolution No. 4678 was adopted.

With the consent of the House, all members' names were added to the resolution.

INTRODUCTION & FIRST READING

HB 2471 by Representatives Esser, Lantz and Casada; by request of Administrator for the Courts

AN ACT Relating to the methodology of determining the number of district court judges; and amending RCW 3.34.020.

Referred to Committee on Judiciary.

HB 2472 by Representatives Lantz and Esser; by request of Administrator for the Courts

AN ACT Relating to the administrative office of the courts; amending RCW 2.14.110, 2.43.020, 2.43.030, 2.43.070, 2.56.010, 2.56.020, 2.56.030, 2.56.120, 2.56.150, 2.68.020, 2.70.050, 3.46.030, 3.50.020, 3.66.010, 3.66.070, 9.73.230, 9.94A.660, 9.94A.850, 9.94A.855, 10.64.120, 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.64.080, 13.70.130, 26.12.177,

26.12.802, 26.12.804, 26.18.210, 26.18.220, 26.19.011, 26.19.035, 26.19.050, 26.26.065, 26.50.030, 26.50.035, 35.20.030, 36.01.050, 36.18.018, 43.70.540, 43.101.280, 46.20.286, 74.14C.100, 74.20A.340, and 82.14.310; amending 2000 c 111 s 8 (uncodified); amending 1983 c 199 s 2 (uncodified); and reenacting and amending RCW 43.08.250.

Referred to Committee on Judiciary.

HB 2473 by Representatives Tokuda, Boldt, Dickerson, Kenney, Ogden, Chase, Dunn, Veloria, McDermott and Fromhold; by request of Governor Locke

AN ACT Relating to the governance of the Washington state school for the deaf; amending RCW 72.40.010, 72.40.022, 72.42.010, 72.42.020, 72.42.040, and 72.42.070; and adding a new section to chapter 72.40 RCW.

Referred to Committee on Children & Family Services.

HB 2474 by Representatives Carrell, O'Brien, Holmquist, Ballasiotes, Mielke, Darneille, Roach, Simpson, Campbell, Morell, Sullivan, Barlean, Esser, Conway, Talcott, Eickmeyer, Kirby, Boldt, Jarrett, Cox, Woods, Mulliken, Sump, Bush, Ahern, Schoesler, Delvin, Lisk, Orcutt, Schmidt, Edwards, Jackley, Nixon, Anderson, Lovick and Alexander

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.285, 46.20.311, 46.61.024, 46.61.520, and 46.61.522; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2475 by Representatives O'Brien, Sommers, Lovick, Lantz, Kagi, McIntire, Edwards and Kenney; by request of Department of Corrections

AN ACT Relating to sentencing of offenders; amending RCW 9.94A.525, 9.92.151, 9.94A.728, and 70.48.210; reenacting and amending RCW 9.94A.515 and 9.94A.030; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2476 by Representatives Lovick, O'Brien, Ballasiotes, Edwards, Ogden and Kenney; by request of Department of Corrections, Indeterminate Sentence Review Board and Department of Social and Health Services

AN ACT Relating to information concerning mental health services provided to offenders; and amending RCW 71.34.225 and 71.05.445.

Referred to Committee on Criminal Justice & Corrections.

HB 2477 by Representatives O'Brien, Ballasiotes and Lovick; by request of Department of Corrections

AN ACT Relating to satisfaction of judgments filed by the department of corrections; and amending RCW 4.56.100.

Referred to Committee on Judiciary.

HB 2478 by Representatives Clements, Lantz and Conway

AN ACT Relating to clarifying the restrictions concerning occupational licenses; and reenacting and amending RCW 46.20.391.

Referred to Committee on Judiciary.

HB 2479 by Representatives Carrell, Roach, Buck, Schmidt and Casada

AN ACT Relating to protecting the public against terrorists; amending RCW 46.20.117, 9A.32.030, 9A.32.050, 9A.36.011, 9A.36.090, 9A.40.020, 9A.48.020, 9A.52.020, 9A.56.120, 9A.04.110, 9A.56.200, 9A.04.080, and 10.95.020; reenacting and amending RCW 42.17.310; adding a new section to chapter 9A.76 RCW; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Select Committee on Community Security.

HB 2480 by Representatives Carrell, Kirby, Darneille, Talcott, Roach, Cairnes, Holmquist, Campbell, Anderson, Mielke, Nixon, Benson, Sullivan, DeBolt, Barlean, Schoesler, Esser, Morell, Bush, Sump, Cox, Orcutt, Conway, Edwards, Mulliken and Alexander

AN ACT Relating to applications for property tax relief for senior citizens and persons retired because of physical disability; and amending RCW 84.36.387.

Referred to Committee on Finance.

HB 2481 by Representatives Carrell, Haigh, DeBolt, Talcott, Mielke, Jarrett, Anderson, Cox, Campbell, Roach, Grant, Kirby, Bush, Boldt, Sump, Orcutt and Dunn

AN ACT Relating to using animals for fighting; amending RCW 16.52.117; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2482 by Representatives Carrell, Mielke, Roach, Campbell, Morell, Kirby and Benson

AN ACT Relating to sentencing enhancements for criminal gang activity; amending RCW 13.40.160; reenacting and amending RCW 9.94A.510; adding a new section to chapter 9.94A RCW; adding a new section to chapter 13.40 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2483 by Representatives Morell, O'Brien, Bush, Holmquist, Pearson, Casada, Benson, Esser, Boldt, Cox, Armstrong, Sump, Ahern, McMorris, Darneille, Woods, Mulliken, Mitchell, Schoesler, Jarrett, Schmidt, Roach, Van Luven, Nixon, Campbell and Alexander

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

Referred to Committee on Criminal Justice & Corrections.

HB 2484 by Representatives Morris, Barlean, Anderson, Linville, Doumit, Van Luven and Ogden

AN ACT Relating to the creation of a license plate emblem to benefit orca whale research; adding a new section to chapter 46.16 RCW; adding a new section to chapter 43.300 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2485 by Representatives Hurst, Campbell, Simpson, Conway, Schual-Berke, Barlean, Cooper, Haigh, Cody, Morris, Veloria, Schmidt, Dunshee, Lovick, Jackley, Kirby, Santos, Dickerson, Van Luven, Edwards, Upthegrove, Kenney and O'Brien

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

Referred to Committee on Commerce & Labor.

HB 2486 by Representatives Jarrett, Simpson, Esser, Carrell, McMorris, McDermott, Cox, Romero and Lovick

AN ACT Relating to the board of tax appeals; and amending RCW 84.08.130 and 34.05.461.

Referred to Committee on Finance.

HB 2487 by Representatives McIntire, Benson and Cooper; by request of Department of Financial Institutions

AN ACT Relating to regulating securities; amending RCW 21.20.005, 21.20.020, 21.20.040, 21.20.110, 21.20.310, 21.20.370, and 21.20.380; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2488 by Representatives Fisher, Buck, Reardon and Mitchell

AN ACT Relating to state-owned aquatic lands; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

HB 2489 by Representatives Miloscia, Schmidt, Romero, Upthegrove, Tokuda, McDermott, Dickerson, Linville and Haigh

AN ACT Relating to the Washington progress board; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2490 by Representatives Miloscia, Eickmeyer, Simpson and Schual-Berke

AN ACT Relating to the erection of a temporary fence or barrier near water bodies to protect children residing within a homeowners' association jurisdiction; and amending RCW 64.38.020.

Referred to Committee on Judiciary.

HB 2491 by Representatives Chandler, Clements, Lisk, Skinner, Schoesler, Holmquist and Mulliken

AN ACT Relating to inspection of facilities used for temporary storage and processing of agricultural commodities; and reenacting and amending RCW 19.27.060.

Referred to Committee on Local Government & Housing.

HB 2492 by Representatives Kenney, Gombosky, Fromhold, Lantz, Rockefeller, Hunt, Cox, Jarrett, Edwards, Chase, Wood, McDermott and Haigh; by request of State Treasurer

AN ACT Relating to college payment programs; amending RCW 28B.95.150; and providing an effective date.

Referred to Committee on Higher Education.

HB 2493 by Representatives Jackley, Mulliken, Dunshee, Ogden, Dunn, Wood and Casada

AN ACT Relating to volunteer fire fighters; and amending RCW 41.24.050.

Referred to Committee on Local Government & Housing.

HB 2494 by Representatives Sullivan, Mulliken, Dunshee, Edwards and Miloscia

AN ACT Relating to allowing fire protection districts to have additional fire commissioners; and amending RCW 52.14.010, 52.14.015, 52.14.013, and 52.14.017.

Referred to Committee on Local Government & Housing.

HB 2495 by Representatives Mulliken, Dunshee, Edwards, Miloscia and Casada

AN ACT Relating to updating outdated fire district statutes to increase efficiency; and amending RCW 52.16.160.

Referred to Committee on Local Government & Housing.

HB 2496 by Representatives Dunshee and Mulliken

AN ACT Relating to fire protection district property taxes; amending RCW 84.52.052; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Local Government & Housing.

HB 2497 by Representatives Orcutt, Ogden, Delvin, Hatfield, Schmidt, Holmquist, Benson, Boldt, Mielke, Chandler, DeBolt, Alexander, Buck, Clements, Campbell, Kirby, Ruderman, Chase, Mulliken, Dunn, Veloria, Darneille and Lisk

AN ACT Relating to the definition of a motorcycle helmet; and amending RCW 46.37.530.

Referred to Committee on Transportation.

HB 2498 by Representatives Fromhold, Dunn, Jarrett, Ogden, Lovick, Dunshee, Schmidt, Conway, Linville, Miloscia and Anderson

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

Referred to Committee on Local Government & Housing.

HB 2499 by Representatives Hunt, Romero, Schual-Berke, Morell, Anderson and Kenney

AN ACT Relating to health studios; adding a new section to chapter 19.142 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2500 by Representatives Hunt, Romero, Anderson and Miloscia

AN ACT Relating to citizen petitions requesting the amendment or repeal of agency rules; and amending RCW 34.05.330.

Referred to Committee on State Government.

HB 2501 by Representatives Campbell, Cody, Ruderman, Linville, Armstrong, Conway, Darneille, Bush, Kirby, Miloscia, Simpson, Dunn and Casada

AN ACT Relating to chiropractic care; and amending RCW 18.25.005 and 18.25.006.

Referred to Committee on Health Care.

HB 2502 by Representatives Sump, Doumit, Rockefeller, Pearson, Jackley and Chase

AN ACT Relating to the forest products commission; and amending RCW 15.100.010, 15.100.030, and 15.100.040.

Referred to Committee on Natural Resources.

HB 2503 by Representatives Boldt and Casada

AN ACT Relating to the conduct of lawyers; and amending RCW 2.48.210, 2.48.220, and 2.48.230.

Referred to Committee on Judiciary.

HB 2504 by Representatives Boldt and Casada

AN ACT Relating to the protection and education of consumers of legal services; and adding new sections to chapter 2.48 RCW.

Referred to Committee on Judiciary.

HB 2505 by Representatives O'Brien, Ballasiotes, Lantz, Haigh, Lovick, Ruderman, Schual-Berke, Crouse, Campbell, Delvin, Hurst, Lisk, Buck, Benson and Bush

AN ACT Relating to instruction in civil disorder; adding a new section to chapter 9.81 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2506 by Representatives Romero, Linville, Fisher, Jarrett, Cody, Dickerson, Veloria, Barlean, Simpson, Rockefeller, Dunshee, Hunt, Cairnes, Schmidt, Edwards, Upthegrove, Miloscia, Anderson and Wood

AN ACT Relating to the joint task force on green building; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HB 2507 by Representatives Lovick, Ballasiotes, O'Brien, Ahern, Kirby, Jackley, Kessler, Schmidt, McIntire, Conway, Santos, Ruderman, Van Luven, Edwards, Hurst, Fromhold, Upthegrove, Kenney, Eickmeyer, Miloscia, Simpson, Grant, Chase, Dunshee, Cody, Morris, Wood, Campbell, Veloria, Rockefeller, Darneille, McDermott, Schual-Berke and Berkey

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

HB 2508 by Representatives Berkey, Casada, Dunshee, DeBolt, Sullivan, Crouse and Kirby

AN ACT Relating to medical plans for elected city officials; and amending RCW 41.04.190.

Referred to Committee on Local Government & Housing.

HB 2509 by Representatives Murray, Alexander, McIntire, Santos, Edwards, Fromhold, Jackley, Kenney, Ogden, Chase, Upthegrove, Lovick, Morris, Veloria, Schual-Berke and McDermott; by request of Governor Locke

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

Referred to Committee on Capital Budget.

HB 2510 by Representatives Murray, Alexander, McIntire, Ogden and Veloria; by request of Governor Locke

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

Referred to Committee on Capital Budget.

HB 2511 by Representatives O'Brien, Ballasiotes, Schoesler, Kessler, Kirby, Santos, Benson, Edwards, Kenney, Chase, Lovick, Wood and Casada

AN ACT Relating to robbery within a financial institution; amending RCW 9A.56.200; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2512 by Representatives Upthegrove, Schmidt, Miloscia, Romero, Edwards, Jackley, Kenney, Ogden, Chase, Morris, McDermott and Schual-Berke; by request of Governor Locke

AN ACT Relating to the uniform regulation of business and professions pertaining to programs administered by the department of licensing; amending RCW 18.08.340, 18.08.380, 18.08.420, 18.08.440, 18.11.085, 18.11.095, 18.11.100, 18.11.160, 18.11.180, 18.11.200, 18.16.030, 18.16.060, 18.16.150, 18.16.175, 18.16.200, 18.39.300, 18.39.350, 18.39.410, 18.39.530, 18.43.035, 18.43.105, 18.43.110, 18.43.130, 18.85.040, 18.85.230, 18.85.261, 18.85.271, 18.96.060, 18.96.120, 18.96.140, 18.140.030, 18.140.160, 18.140.170, 18.165.160, 18.165.170, 18.170.170, 18.170.180, 18.185.110, 18.185.120, 18.185.140, 18.185.170, 18.210.020, 18.210.030, 18.210.060, 18.210.160, 18.220.040, 18.220.050, 18.220.130, 18.220.150, 19.16.120, 19.16.351, 19.31.070, 19.31.130, 19.105.350, 19.105.380, 19.105.440, 19.105.470, 19.138.120, 19.138.130, 19.138.170, 19.138.180, 19.138.200, 19.138.240, 19.158.040, 19.158.050, 42.44.030, 42.44.060, 42.44.160, 42.44.170, 42.44.190, 46.72.100, 46.72A.100, 64.36.040, 64.36.090, 64.36.100, 64.36.195, 64.36.200, 64.36.220, 64.36.230, 67.08.010, 67.08.015, 67.08.017, 67.08.090, 67.08.100, 67.08.110, 67.08.130, 67.08.140, 67.08.180, 67.08.300, 68.05.105, 68.05.170, 68.05.235, 68.05.259, 68.05.300, 68.05.310, 68.05.320, 68.05.330, 68.05.340, 68.05.350,

79A.60.480, and 79A.60.490; reenacting and amending RCW 18.145.050; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.11 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 18.210 RCW; adding a new section to chapter 18.220 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 19.31 RCW; adding a new section to chapter 19.105 RCW; adding a new section to chapter 19.138 RCW; adding a new section to chapter 19.158 RCW; adding a new section to chapter 42.44 RCW; adding a new section to chapter 46.72 RCW; adding a new section to chapter 46.72A RCW; adding a new section to chapter 64.36 RCW; adding a new section to chapter 67.08 RCW; adding a new section to chapter 68.05 RCW; adding a new section to chapter 79A.60 RCW; adding a new chapter to Title 18 RCW; creating a new section; repealing RCW 18.08.450, 18.39.400, 18.39.430, 18.39.440, 18.39.460, 18.39.470, 18.39.480, 18.39.490, 18.39.500, 18.39.510, 18.39.520, 18.39.540, 18.39.550, 18.43.140, 18.85.251, 18.85.360, 18.96.130, 18.140.180, 18.165.190, 18.165.200, 18.165.240, 18.165.250, 18.165.260, 18.170.190, 18.170.200, 18.170.240, 18.170.250, 18.170.260, 18.170.270, 18.185.150, 18.185.160, 18.185.180, 18.185.190, 19.16.360, 19.16.380, 19.16.400, 19.105.460, 19.138.190, 19.138.210, 19.138.220, 19.138.230, 19.138.300, 19.158.060, 64.36.180, 64.36.190, 64.36.280, 64.36.300, 67.08.120, 67.08.210, 67.08.230, 67.08.250, and 67.08.260; prescribing penalties; and providing effective dates.

Referred to Committee on State Government.

HB 2513 by Representatives Wood, Clements and Conway

AN ACT Relating to timeshare interest reservations; adding a new section to chapter 64.36 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2514 by Representatives Benson, Talcott, Ahern and Lovick

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

Referred to Committee on Judiciary.

HB 2515 by Representatives Benson, Mulliken, Bush, Ahern, Roach, Morell, McIntire, Upthegrove, Cody and Conway

AN ACT Relating to paying for health care services; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care.

HB 2516 by Representative Benson

AN ACT Relating to support obligations of physical custodians; and amending RCW 74.20.065.

Referred to Committee on Juvenile Justice & Family Law.

HB 2517 by Representative Benson

AN ACT Relating to accounting for child support payments; amending RCW 26.09.170; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2518 by Representatives Edwards, Dunshee, Lovick, Berkey and Kirby

AN ACT Relating to the authority to issue civil penalties by health districts; adding a new section to chapter 70.46 RCW; and prescribing penalties.

Referred to Committee on Local Government & Housing.

HB 2519 by Representatives Upthegrove, Dunshee, Ruderman, Linville, Kirby, Simpson and Schual-Berke

AN ACT Relating to requiring concurrency planning for parks in growth management comprehensive plans and development regulations; amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2520 by Representatives O'Brien, Sommers, Lovick and Lantz; by request of Department of Corrections

AN ACT Relating to supervision of offenders; amending RCW 9.94A.545, 9.94A.637, 9.94A.650, 9.94A.690, 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, 9.94A.750, 9.94A.760, 4.56.100, 72.65.080, and 41.06.380; reenacting and amending RCW 9.94A.753; and providing an effective date.

Referred to Committee on Judiciary.

HB 2521 by Representatives Linville, Schoesler, McIntire, Santos, Jackley, Kenney, Miloscia, Chase, Upthegrove, Lovick and Wood

AN ACT Relating to registering pesticides; amending RCW 15.58.050, 15.58.070, 15.58.070, and 15.58.080; providing effective dates; and providing an expiration date.

Referred to Committee on Agriculture & Ecology.

HJR 4220 by Representatives Dunshee and Mulliken

Amending the Constitution to restrict the number of years excess levies by fire protection districts can be made.

Referred to Committee on Local Government & Housing.

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

MOTION

Representative DeBolt moved to suspend the rules and place House Bill No. 2507 on the Second Reading calendar.

Representative DeBolt spoke in favor of passage of the procedural motion.

Representative Kessler spoke against the passage of the procedural motion.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be the motion by Representative DeBolt to suspend the rules and place House Bill No. 2507 on the Second Reading calendar.

ROLL CALL

The Clerk called the roll on the motion by Representative DeBolt to suspend the rules and place House Bill No. 2507 on the Second Reading calendar, and the motion was not adopted by the following vote: Yeas - 48, Nays - 50, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Mr. Speaker, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, and Wood - 50.

MOTION

On motion of Representative Kessler, House Bill No. 2507 was referred to the Committee on Criminal Justice & Corrections.

REPORTS OF STANDING COMMITTEES

January 16, 2002

HB 2304 Prime Sponsor, Representative Fisher: Adopting certain recommendations of the state Blue Ribbon Commission on Transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Jarrett; Lovick; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Hankins; Holmquist; Mielke; Schindler; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Edwards, Haigh, Hatfield, Jackley, Jarrett, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Hankins, Holmquist, Mielke, Morell, Schindler, Skinner and Woods.

Excused: Representative Murray.

There being no objection, House Bill No. 2304 was placed on the Second Reading calendar.

SECOND READING

HOUSE BILL NO. 2304, by Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper, Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Upthegrove, Schual-Berke, Kagi and McIntire; by request of Governor Locke

Adopting certain recommendations of the state Blue Ribbon Commission on Transportation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2304 was substituted for House Bill No. 2304 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2304 was read the second time.

MOTION

On motion of Representative Woods, Representative Ballasiotes was excused.

Electronic roll calls had been requested on the amendments offered to Substitute House Bill No. 2304.

With the consent of the House, amendment (007) was withdrawn.

Representative Ericksen moved the adoption of amendment 002:

On page 3, beginning on line 4, strike all of section 202

Renumber the sections following consecutively, correct internal references accordingly, and correct the title.

On page 4, line 14, after "purchasing" strike "construction engineering"

On page 4, beginning on line 15, after "businesses" strike everything through "act" on line 16

Representatives Ericksen, Matson and Skinner spoke in favor of the adoption of the amendment.

Representatives Cooper and Romero spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (002) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (002) to Substitute House Bill No. 2304, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 57, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, B. Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Pearson, Pflug, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 40.

Voting nay: Representatives Armstrong, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Orcutt, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Mr. Speaker - 57.

Excused: Representative Ballasiotes - 1.

Representative Ericksen moved the adoption of the following amendment (005):

On page 4, beginning on line 17, strike all of section 204

On page 8, beginning on line 11, strike all of section 309

Correct any internal references and the title accordingly.

Representative Ericksen spoke in favor of the adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (005) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (005) to Substitute House Bill No. 2304, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Excused: Representative Ballasiotes - 1.

Representative Ericksen moved the adoption of amendment (006):

On page 4, beginning on line 31, strike everything through "engineering." on line 33

On page 5, line 23, after "requirements" strike everything through "act"

On page 6, beginning on line 24, strike all of section 305

Renumber the sections following consecutively, correct internal references accordingly, and correct the title.

On page 7, after line 4, insert the following:

"**Sec. 307.** RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended to read as follows:

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries. By January 1, 2003, the industrial statistician shall determine the prevailing rate of wage using a stratified random sampling method.

(2)(a) A stratified random sampling method must be used to the broadest extent possible.

(b) If it is determined by the industrial statistician, in consultation with the prevailing wage advisory committee established in subsection (4) of this section, that sample size, strata size, or other factors do not permit the effective use of a stratified random sampling method, an equally reliable statistical method may be used.

(3) In order to ensure a fair and scientifically accurate stratified random sampling survey, the industrial statistician shall consult with the prevailing wage advisory committee established in subsection (4) of this section regarding the necessary scientific methods, implementation parameters, and resource allocations.

(4) The director shall appoint a prevailing wage advisory committee composed of eleven members: Four members representing subject workers, each of whom must be appointed from a list of names submitted by a recognized statewide organization of employees, representing a majority of employees in a cross-section of state industries; four members representing subject employers, each of whom must be appointed from a list of names submitted by a recognized statewide organization of employers, representing a majority of employers in a cross-section of state industries; and three ex officio members, without a vote, two of whom will represent the counties, and the other representing the department. The member representing the department shall serve as chairperson. Labor, business, and county representatives must include representatives from both large and small entities. The committee shall, as necessary, report to the legislative committees dealing with commerce and labor regarding the implementation of this section.

(5) Subsections (2), (3), and (4) of this section expire December 31, 2003."

Renumber the sections following consecutively, correct internal references accordingly, and correct the title.

On page 8, beginning on line 11, strike all of section 309

Renumber the sections following consecutively, correct internal references accordingly, and correct the title.

Representatives Ericksen, Clements, McMorris spoke in favor of the adoption of the amendment.

Representatives Cooper and Conway spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (006) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (006) to Substitute House Bill No. 2304, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 55, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hanks in, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Pearson, Pflug, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 42.

Voting nay: Representatives Berkey, Cairnes, Campbell, Carrell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Orcutt, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 57.

Excused: Representative Ballasiotes - 1.

Representative Hankins moved the adoption of amendment (008):

On page 11, line 6, after "in." strike everything through "state." on line 8

Representatives Hankins and Fisher spoke in favor of the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (008) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (008) to Substitute House Bill No. 2304, and the amendment was adopted by the following vote: Yeas - 97, Nays - 0, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Representative Holmquist moved the adoption of amendment (004):

On page 19, after line 15, insert the following:

"**NEW SECTION. Sec. 418** If funding for sections 409, 410, and 412 of this act, referencing those sections by bill or chapter number, is not provided by January 1, 2003, those sections are null and void."

Renumber the sections following consecutively and correct internal references accordingly.

Representatives Holmquist, Ogden and Armstrong spoke in favor of the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (004) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (004) to Substitute House Bill No. 2304, and the amendment was adopted by the following vote: Yeas - 97, Nays - 0, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Representative Ericksen moved the adoption of amendment (003):

Strike everything after the enacting clause and insert the following:

"PART I ESTABLISHMENT OF TRANSPORTATION

PERFORMANCE MEASURES

NEW SECTION. Sec. 101. LEGISLATIVE INTENT. The legislature finds that the efficient operation of the transportation system in Washington is of the utmost importance, and that the maximum return should be achieved for every taxpayer dollar invested. It is the intent of the legislature to establish policy goals for the operation of, performance of, and investment in, the state's transportation system. The policy goals will consist of the following benchmark categories. In addition to improving safety, public investments in transportation must support achievement of these and other priority goals:

No interstate highways, state routes, and local arterials may be in poor condition; no bridges may be structurally deficient, and safety retrofits must be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways must be significantly reduced and be no worse than the national mean; delay per driver must be significantly reduced and no worse than the national mean; per capita vehicle miles traveled will increase at a rate no greater than the increase in Washington's per capita income; administrative costs as a percentage of transportation spending must achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.

These policy goals are the basis for establishment of detailed and measurable performance benchmarks.

It is the intent of the legislature that the transportation commission establish performance measures to ensure transportation system performance at local, regional, and state government levels, and the transportation commission should work with appropriate government entities to accomplish this.

NEW SECTION. Sec. 102. Section 101 of this act takes effect July 1, 2002.

PART II ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES

NEW SECTION. Sec. 201. The legislature finds that there is a pressing need for additional transportation projects to meet the mobility needs of Washington citizens. With major new investments approved to meet these pressing needs, additional work force assistance is necessary to ensure and enhance project delivery timelines. Implementing new and innovative procedures for delivering these transportation projects in the most efficient manner possible is required to accomplish them on a timely basis that best serves the public.

Sec. 202. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter (~~shall~~) prohibits any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979(~~(= PROVIDED, That no such)~~).

(2) No contract referred to in subsection (1) of this section may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract except as provided in subsection (3) of this section.

(3) This chapter does not prohibit the department of transportation until January 1, 2003, from purchasing services for highway maintenance, including services that have customarily and historically been provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, or other entities. After January 1, 2003, this chapter does not prohibit the department of transportation from purchasing services, including services that have customarily and historically been provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, or other entities.

NEW SECTION. Sec. 203. Provisions of a collective bargaining agreement adopted under chapter 41.06 RCW that are in effect on the effective date of this section and that conflict with RCW 41.06.380, as amended by section 202 of this act, will continue in effect until contract expiration, unless a superseding agreement resolving the conflict is executed by the parties before expiration.

After expiration, any new agreement executed between the parties must be consistent with RCW 41.06.380.

NEW SECTION. Sec. 204. On or before January 1, 2003, the secretary of transportation will report to the transportation committees of the house of representatives and senate on the current use of contracting out by the department and on further opportunities for contracting out within the department. In recommending programs that might be performed by the private sector, the secretary will place emphasis on programs that could be undertaken at a lower cost by the private sector than by state employees, and programs in which the use of the private sector could augment the department's work force in order to increase the department's capacity to complete projects as quickly as possible. The secretary may issue the report electronically by publishing it on the department's web site and by transmitting the report electronically to all members of the house of representatives and senate transportation committees.

PART III APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

NEW SECTION. Sec. 301. (1) The legislature finds that a skilled technical work force is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a work force that is insufficiently skilled to operate the transportation system at its highest level.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with statutory requirements;

(d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;

(e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program.

NEW SECTION. Sec. 302. A new section is added to chapter 49.04 RCW to read as follows:
The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and state joint apprenticeships, representatives of transportation labor groups, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

NEW SECTION. Sec. 303. A new section is added to chapter 47.01 RCW to read as follows:
The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of transportation professionals. The skills bank must be designed to allow all transportation authorities to

draw from it when needed. The department shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, identification of any statutory or administrative rule changes necessary to create the skills bank and allow it to function in the manner described.

NEW SECTION. Sec. 304. A new section is added to chapter 47.06 RCW to read as follows:
The state-interest component of the statewide multimodal transportation plan must include a plan for enhancing the skills of the existing technical transportation work force.

Sec. 305. RCW 47.80.030 and 1998 c 171 s 9 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system; ~~((and))~~

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities; and

(h) Provides for training that enhances the skills of the existing technical transportation work force.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

Sec. 306. RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended to read as follows:

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries. By January 1, 2003, the industrial statistician shall determine the prevailing rate of wage using a stratified random sampling method.

(2)(a) A stratified random sampling method must be used to the broadest extent possible.

(b) If it is determined by the industrial statistician, in consultation with the prevailing wage advisory committee established in subsection (4) of this section, that sample size, strata size, or other factors do not permit the effective use of a stratified random sampling method, an equally reliable statistical method may be used.

(3) In order to ensure a fair and scientifically accurate stratified random sampling survey, the industrial statistician shall consult with the prevailing wage advisory committee established in subsection (4) of this section regarding the necessary scientific methods, implementation parameters, and resource allocations.

(4) The director shall appoint a prevailing wage advisory committee composed of eleven members: Four members representing subject workers, each of whom must be appointed from a list of names submitted by a recognized statewide organization of employees, representing a majority of employees in a cross-section of state industries; four members representing subject employers, each of whom must be appointed from a list of names submitted by a recognized statewide organization of employers, representing a majority of employers in a cross-section of state industries; and three ex officio members, without a vote, two of whom will represent the counties, and the other representing the department. The member representing the department shall serve as chairperson. Labor, business, and county representatives must include representatives from both large and small entities. The committee shall, as necessary, report to the legislative committees dealing with commerce and labor regarding the implementation of this section.

(5) Subsections (2), (3), and (4) of this section expire December 31, 2003.

NEW SECTION. Sec. 307. A new section is added to chapter 39.12 RCW to read as follows:

(1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department may be used only in the county for which the work was performed.

(2) This section applies only to prevailing wage surveys initiated on or after August 1, 2002.

PART IV TRANSPORTATION PLANNING AND EFFICIENCY

Sec. 401. RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits ~~((and which))~~ that are systematically scheduled to carry out defined objectives within available revenue. The state must develop analytic tools to use a common methodology to measure benefits and costs for all modes.

The priority programming system ~~((shall))~~ must ensure preservation of the existing state highway system, relieve congestion, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system (~~(shall)~~) must implement the state-owned highway component of the statewide (~~(multimodal)~~) transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions (~~(which)~~) that address identified state highway system deficiencies.

The priority programming system for improvements (~~(shall)~~) must incorporate a broad range of solutions that are identified in the statewide (~~(multimodal)~~) transportation plan as appropriate to address state highway system deficiencies, including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 402. RCW 47.05.030 and 1998 c 171 s 6 are each amended to read as follows:

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The (~~(needs)~~) analysis process (~~(shall)~~) must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program (~~(shall)~~) must be revised biennially, effective on July 1st of odd-numbered years. The investment program (~~(shall)~~) must be based upon the needs identified in the state-owned highway component of the statewide (~~(multimodal)~~) transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program (~~(shall)~~) consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation (~~(shall)~~) must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program (~~(shall)~~) consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve (~~(mobility,)~~) safety, support for the economy, and protection of the environment. The six-year investment program for improvements (~~(shall)~~) must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

Sec. 403. RCW 47.05.035 and 1993 c 490 s 4 are each amended to read as follows:

(1) The department and the commission shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department and the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of

transportation demand modeling tools will be phased in. The first phase will build upon the modeling work initiated by the four-county Puget Sound Regional Council, if modeling work is found by the department to satisfactorily predict demand and account for actual levels of usage by the public of various transportation modes.

(3) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

~~((1))~~ (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

~~((2))~~ (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

~~((3))~~ (c) The continuity of future transportation development with those improvements previously programmed; and

~~((4))~~ (d) The availability of dedicated funds for a specific type of work.

NEW SECTION. Sec. 404. A new section is added to chapter 47.05 RCW to read as follows:

Before the department begins using the analytic tools developed to use a common methodology to measure benefits and costs for all modes referred to in RCW 47.05.010 and before the department begins using the demand modeling tools referred to in RCW 47.05.035, the department shall present these cost/benefit and demand modeling tools to the legislature for review and approval.

Sec. 405. RCW 47.06.130 and 1993 c 446 s 13 are each amended to read as follows:

(1) The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.

(2) The department shall conduct multimodal corridor analyses on major congested corridors where needed improvements are likely to cost in excess of one hundred million dollars. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies. A long-term view of corridors must be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. To the extent practicable, full costs of all strategies must be reflected in the analysis. At a minimum, this analysis must include:

(a) The current and projected future demand for total person trips on that corridor;

(b) The impact of making no improvements to that corridor;

(c) The daily cost per added person served for each mode or improvement proposed to meet demand;

(d) The cost per hour of travel time saved per day for each mode or improvement proposed to meet demand; and

(e) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

The end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

NEW SECTION. Sec. 406. The legislature intends that funding for transportation mobility improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

Sec. 407. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

~~((4))~~ (a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((a))~~ (i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed upon highways and bridges;

and

~~((e))~~ (iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

~~((2))~~ (b) Priority programming for the improvement program (~~shall take into account~~) must be based primarily upon the following:

~~((a))~~ (i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

~~((b))~~ (ii) The cost-effective movement of people and goods;

~~((e))~~ (iii) Accident and accident risk reduction;

~~((d))~~ (iv) Protection of the state's natural environment;

~~((e))~~ (v) Continuity and systematic development of the highway transportation network;

~~((f))~~ (vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

~~((g))~~ (vii) Consistency with regional transportation plans developed under chapter 47.80

RCW;

~~((h))~~ (viii) Public views concerning proposed improvements;

~~((i))~~ (ix) The conservation of energy resources;

~~((j))~~ (x) Feasibility of financing the full proposed improvement;

~~((k))~~ (xi) Commitments established in previous legislative sessions;

~~((l))~~ (xii) Relative costs and benefits of candidate programs(~~(?)~~).

~~((m))~~ (d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding(~~(; and)~~).

~~((n))~~ (e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((3))~~ (2) The commission may depart from the priority programming established under subsection~~(s)~~ (1) (~~and (2)~~) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

((4)) (3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

NEW SECTION. Sec. 408. The department of transportation shall report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2003, and December 1, 2005.

NEW SECTION. Sec. 409. The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Sec. 410. RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits, may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 411. A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 412. A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 413. A new section is added to chapter 46.68 RCW to read as follows:

During the 2001-2003 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five-percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

Sec. 414. RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to

scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

~~((e))~~ (d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

~~((d))~~ (e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, ~~((and))~~ develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 415. RCW 47.06.090 and 1993 c 446 s 9 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

For purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. **Sec. 416.** A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

NEW SECTION. **Sec. 417.** A new section is added to chapter 36.78 RCW to read as follows:
The board shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

NEW SECTION. **Sec. 418.** Sections 401 through 405 of this act take effect July 1, 2002.

NEW SECTION. **Sec. 419.** If specific funding for sections 410, 411, and 413 of this act, referencing those sections by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, those sections are null and void.

NEW SECTION. **Sec. 420.** Captions and part headings used in this act are not part of the law.

NEW SECTION. **Sec. 421.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Ericksen, Schindler, Mitchell, Skinner, Clements, Armstrong and Ericksen (again) spoke in favor of the adoption of the amendment.

Representatives Rockefeller, Morris, Romero, Murray, Cooper and Morris (again) spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (003) to Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the adoption of amendment (003) to Substitute House Bill No. 2304, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Excused - 1

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Excused: Representative Ballasiotes - 1.

The bill was ordered engrossed.

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

Representatives Fisher, Reardon, Conway, Kessler, Romero and Ogden spoke in favor of passage of the bill.

Representatives Mitchell, Delvin, Mulliken, Buck, Benson, Clements, Sehlin, Matson, DeBolt, Ericksen, Jarrett and Armstrong spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2304.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2304 and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Excused - 1

Voting yea: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Engrossed Substitute House Bill No. 2304, having received the necessary constitutional majority, was declared .

MESSAGE FROM THE SENATE

January 18, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5064,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5236,
ENGROSSED SENATE BILL NO. 5852,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 21, 2002, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTH DAY, JANUARY 18, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 21, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rohilio Rios and Diane Edmonds. The Speaker (Representative Lovick presiding) led the chamber in the Pledge of Allegiance. Prayer was offered by Reverend Daryl Williams, First AME Church, Seattle.

The Morning Glory Choir from Tacoma, accompanied by Donald Hurd performed "Jesus is a Perfect Answer" and "Say So". Victoria Woodards of the Commission on African American Affairs was a member of the Choir.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4680, by Representatives Jackley, Cox, Pearson, Lovick, Conway, Romero, Lysen, Hunt, Kagi, Santos, Sullivan, Veloria, Kenney, Tokuda, Simpson, Hatfield, Schmidt, Morell, Barlean, Dunn, Linville, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Chopp, Clements, Cody, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Holmquist, Hurst, Jarrett, Kessler, Kirby, Lantz, Lisk, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Upthegrove, Van Luven, Wood and Woods

WHEREAS, January 21, 2002, has been designated as the holiday in which we, as a nation, and as a state, remember and honor the life and work of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's life and political philosophy advocated the need for men and women to strive to overcome oppression without resorting to violence; and

WHEREAS, Dr. King's philosophy of nonviolence and civil disobedience was based on the life and teachings of Mohandas K. Gandhi; and

WHEREAS, Dr. Martin Luther King, Jr. advanced his goals and principles with determination, faith, dignity, and courage in the face of life-threatening opposition; and

WHEREAS, Dr. Martin Luther King, Jr. was jailed several times throughout his struggle to bring to all people the opportunity to live free of racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. King raised the consciousness of the nation and of our state to fundamental injustices and inequalities in American society and moved us forward on the long and unfinished road to racial harmony and reconciliation; and

WHEREAS, Dr. Martin Luther King, Jr., a champion of nonviolence, fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and was awarded the 1964 Nobel Peace Prize; and

WHEREAS, Dr. King's untimely death deeply grieved both our nation and the state of Washington; and

WHEREAS, Dr. King's efforts were recognized by the Congress of the United States, which created a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. King's work and legacy were further recognized by the state of Washington, which honors his remembrance as a state holiday; and

WHEREAS, There is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities and in creating a colorblind society;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, recognizes the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America and of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives calls on the people of the state of Washington to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people; and

BE IT FURTHER RESOLVED, That the House of Representatives honors Dr. King's memory by urging all of the citizens of our state to make Martin Luther King, Jr. Day a day of service.

Representative Jackley moved the adoption of the resolution.

Representatives Jackley, DeBolt, Quall, Schmidt, Nixon, Kenney, Skinner, Tokuda, Woods, Kessler, Darneille, Dunn and Santos spoke in favor of the adoption of the resolution.

House Resolution No. 4680 was adopted.

With the consent of the House, all members' names were added to the resolution.

INTRODUCTION & FIRST READING

HB 2522 by Representatives Sullivan, Romero, Lovick, Murray, Upthegrove, Miloscia, Chase, Rockefeller, Lantz, Simpson, Kagi, McIntire, Wood, Santos, Linville and Edwards

AN ACT Relating to the purchasing of clean technologies; amending RCW 43.19.1905, 43.19.570, and 43.19.637; and adding a new section to chapter 39.35B RCW.

Referred to Committee on State Government.

HB 2523 by Representatives Carrell, Talcott, Campbell, Mielke, Roach, Morell, Kirby, Eickmeyer and Dunn

AN ACT Relating to limitation of actions; and adding a new section to chapter 4.16 RCW.

Referred to Committee on Judiciary.

HB 2524 by Representatives Chase, Kirby, Dunshee, Mielke, Mulliken, Crouse and Miloscia

AN ACT Relating to transmitting city and town budgets to the municipal research and services center; amending RCW 35.33.075, 35.34.120, 35.34.130, 35A.33.075, 35A.34.120, and 35A.34.130; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2525 by Representatives Lysen, Mulliken, Dunshee, Mielke and Miloscia

AN ACT Relating to calling special meetings in second class cities and code cities; amending RCW 35.23.181 and 35A.12.110; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2526 by Representatives Berkey, Mulliken, Dunshee, Mielke, Kirby, Crouse and Linville

AN ACT Relating to exemptions from the state environmental policy act for reductions of city limits and disincorporations; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2527 by Representatives Sullivan, Dunshee, Edwards, DeBolt, Reardon, Kirby, Cooper, Crouse, Mielke, Miloscia, Chase and Wood

AN ACT Relating to revising certain day labor limits to account for inflation; and amending RCW 35.22.620 and 35.23.352.

Referred to Committee on Local Government & Housing.

HB 2528 by Representatives Sommers, Chase, Ogden, Haigh and Edwards; by request of Department of Health

AN ACT Relating to syphilis laboratory tests; and amending RCW 70.24.100.

Referred to Committee on Appropriations.

HB 2529 by Representatives Sommers, Chase, Ogden, Haigh and Jackley; by request of Department of Social and Health Services

AN ACT Relating to requiring support payments for developmentally disabled children in out-of-home care as a result of the budget deficit; and amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030.

Referred to Committee on Appropriations.

HB 2530 by Representatives Pflug, Anderson, Dunshee, Grant, Nixon, Campbell, Boldt, Morell, Pearson and Dunn

AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505 and 9A.83.030; reenacting and amending RCW 69.50.520; and creating new sections.

Referred to Committee on Judiciary.

HB 2531 by Representatives Eickmeyer, Haigh, Jackley, Rockefeller and Lantz

AN ACT Relating to Eurasian water milfoil; and amending RCW 90.48.448.

Referred to Committee on Agriculture & Ecology.

HB 2532 by Representatives Linville, Crouse, Morris, Berkey, Morell and Wood

AN ACT Relating to allowing the use of electronic mail telecommunications technology by nonprofit corporation committees; and amending RCW 24.03.075 and 24.03.120.

Referred to Committee on Judiciary.

HB 2533 by Representatives Lovick, Cairnes, Veloria, Edwards, Hunt, Chase, Kenney and Hurst

AN ACT Relating to vacation of records of conviction for misdemeanor and gross misdemeanor offenses; and amending RCW 9.96.060.

Referred to Committee on Criminal Justice & Corrections.

HB 2534 by Representatives Kenney, Cox, Kagi, Chase, Tokuda, Jarrett, Conway, Morell, Ogden, Edwards, Kessler, Haigh, Veloria, McIntire, Schual-Berke, Wood, Santos, McDermott and Linville

AN ACT Relating to gaining independence for students by establishing an educational assistance grant program for students with dependents; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 2535 by Representatives Hatfield, Woods, Rockefeller, Roach, Nixon, Grant, Lantz, Pflug, Jackley, Mielke, Anderson, Schmidt, Wood, Talcott, Delvin, Hurst, DeBolt, Eickmeyer, Orcutt, Buck, Morell, Kessler, Carrell, Conway and Skinner

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

Referred to Committee on Transportation.

HB 2536 by Representatives Fromhold, Cox, Schual-Berke, Talcott, Conway, Doumit, Grant, Cody, Benson, McDermott, Delvin, Sullivan, Armstrong, Eickmeyer, Miloscia, Roach, Casada, Mielke, Morell, Boldt, Barlean, Chase, Rockefeller, Ogden, Lantz, Edwards, Simpson, Kessler, Haigh, Pearson, Dunn, Quall, Veloria, Kagi, McIntire, Wood, Santos and Linville

AN ACT Relating to offering health care benefit plans to school district employees; amending RCW 41.05.011; and reenacting and amending RCW 41.05.075.

Referred to Committee on Appropriations.

HB 2537 by Representatives McIntire, Hankins, Chase, Hatfield, Ogden, Simpson, Kessler, Haigh, Conway, Rockefeller, Kenney, Lantz, Quall, Dickerson, Upthegrove, Veloria, Kagi, Murray, Schual-Berke, Fisher, Cody, Tokuda, O'Brien, Lovick, Ruderman, Hunt, McDermott, Linville and Jackley; by request of Governor Locke

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

Referred to Committee on Capital Budget.

HB 2538 by Representatives Conway, Campbell, Romero, Hunt, O'Brien, Jackley, Wood, Chase, Ogden, Simpson and Kenney

AN ACT Relating to identification of subcontractors on public works contracts; amending RCW 39.30.060; and creating a new section.

Referred to Committee on State Government.

HB 2539 by Representatives Conway, Cairnes, Kirby, Campbell, Lysen, Dunshee, Sullivan, Upthegrove, Hunt, Wood, Chase, Simpson and Haigh

AN ACT Relating to private right of action for unpaid prevailing wages; and amending RCW 39.12.065.

Referred to Committee on Commerce & Labor.

HB 2540 by Representatives Conway, Kenney, Wood, Chase, Cooper, Fromhold, Lysen, Campbell, Hunt, Veloria, Cody, Simpson, Haigh, Dickerson, Miloscia, Ogden, Quall, McIntire, Schual-Berke, Santos, McDermott and Kirby

AN ACT Relating to collective bargaining for University of Washington employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2541 by Representatives Hurst, Jarrett, Ballasiotes, O'Brien, Dickerson, Edwards, Miloscia, Morell, Rockefeller, Haigh and Linville

AN ACT Relating to interlocal agreements for jail services; and amending RCW 70.48.090 and 70.48.220.

Referred to Committee on Criminal Justice & Corrections.

HB 2542 by Representatives Gombosky, Cody, Wood, Edwards, Kenney, Veloria and Schual-Berke

AN ACT Relating to subsidizing premiums for employer-sponsored insurance; amending RCW 70.47.020; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 2543 by Representatives Wood, Cooper, Kenney, Conway, Chase, Edwards, Simpson, Veloria and Santos

AN ACT Relating to discharge or adverse employment action for just cause; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2544 by Representatives Cooper, Benson, Santos, Clements, Simpson, McIntire, Armstrong, Hunt, Romero, Dickerson, Upthegrove, Chase, Ogden, Haigh, Conway, Kenney, Campbell and Linville; by request of Governor Locke, Insurance Commissioner and Attorney General

AN ACT Relating to using credit history for insurance purposes; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2545 by Representatives Cooper, McIntire, Simpson, Santos, Chase and Anderson; by request of Governor Locke, Insurance Commissioner and Attorney General

AN ACT Relating to regulating single premium credit insurance; adding a new section to chapter 48.30 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2546 by Representatives Haigh, Santos, McDermott, Woods, Hankins, Upthegrove, Mitchell, Ballasiotes, Delvin, Rockefeller, Jarrett, Lantz, McIntire, Kenney, Romero, Conway, Dickerson, Wood, Kagi, Ruderman, Hunt, Cody, Dunshee, Chase, Ogden, Edwards, Veloria, Schual-Berke, Jackley and Skinner

AN ACT Relating to medically accurate sexuality education programs; amending RCW 70.190.085 and 74.12.410; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Health Care.

HB 2547 by Representatives Kessler, Campbell, Lisk, Ruderman, Rockefeller, Grant, Conway, Armstrong, Alexander, Cody, Linville, McMorris, Clements, Pflug, Hankins, Chase, Edwards, Simpson, Quall, Veloria and Jackley

AN ACT Relating to authorizing optometrists to use and prescribe approved drugs for diagnostic or therapeutic purposes without limitation upon the methods of delivery in the practice of optometry; and amending RCW 18.53.010, 18.53.140, 69.41.030, and 69.50.101.

Referred to Committee on Health Care.

HB 2548 by Representatives Sullivan, Fisher, Mitchell, Hurst, Bush, Darneille, Jarrett, Rockefeller, Ogden, Edwards, Simpson, Haigh, Nixon, Anderson, Kenney, Kirby and Jackley

AN ACT Relating to signs on bus shelters; and amending RCW 46.61.075, 47.12.120, and 47.42.040.

Referred to Committee on Transportation.

HB 2549 by Representatives McIntire, Benson and Kenney; by request of Insurance Commissioner

AN ACT Relating to renewing contracts of insurance that are subject to RCW 48.18.290; and amending RCW 48.18.2901.

Referred to Committee on Financial Institutions & Insurance.

HB 2550 by Representatives McIntire, Benson, Santos and Kenney; by request of Insurance Commissioner

AN ACT Relating to the process of applying for a license or solicitation permit from the insurance commissioner; amending RCW 48.06.040, 48.17.090, 48.15.070, 48.56.030, and 48.102.015; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2551 by Representatives Romero, Schmidt, Miloscia and Haigh

AN ACT Relating to alternative public works contracting procedures; and amending RCW 39.10.051, 39.10.061, 39.10.067, and 39.10.902.

Referred to Committee on State Government.

HB 2552 by Representatives Fromhold, Talcott, Quall, Anderson, Armstrong, Ogden, Lantz, Edwards, Haigh, McIntire, Schual-Berke, Hunt and Santos

AN ACT Relating to clarifying the uses of the school district capital projects fund to include the costs of implementing technology facilities plans; amending RCW 28A.320.330; and creating a new section.

Referred to Committee on Education.

HB 2553 by Representatives Morris, Pflug, Dunshee, Clements, Conway, Chase, Rockefeller and Veloria

AN ACT Relating to increasing the number of eligible tribes for cigarette tax contracts; and amending RCW 43.06.460.

Referred to Committee on Finance.

HB 2554 by Representatives Wood, Clements, Simpson, Benson, Cooper, Morell, Lovick, Dunshee, Santos, Casada, Chase, Rockefeller, Lantz, Edwards, Haigh, Conway and Veloria

AN ACT Relating to fire detection devices for the hearing impaired; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

HB 2555 by Representatives Reardon, Gombosky, Kessler, Morris, McMorris, Cairnes, Van Luven, Woods, Delvin, Grant, Roach, Mulliken, Nixon and Conway

AN ACT Relating to municipal tax fairness; amending RCW 35.21.710; adding a new chapter to Title 35 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2556 by Representatives Dunshee, Schmidt, Romero, Ogden, Edwards, Veloria and McIntire

AN ACT Relating to county auditors' fees; amending RCW 36.18.010 and 36.22.170; and adding a new section to chapter 36.22 RCW.

Referred to Committee on Local Government & Housing.

HB 2557 by Representatives Lovick, Sump, Doumit, Buck, O'Brien, Pearson, Rockefeller, Ogden, McDermott, Mitchell, Boldt, Ericksen, Morell, Kenney and Jackley

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

Referred to Committee on Local Government & Housing.

HB 2558 by Representatives Lovick, Upthegrove, McDermott, Doumit, Esser, O'Brien, Ericksen, Boldt, Mitchell, Ogden and Morell

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

Referred to Committee on Local Government & Housing.

HB 2559 by Representatives Ogden, O'Brien, McDermott, Morell, Conway and Wood

AN ACT Relating to authorizing a local option sales tax to fund parks and recreational facilities; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2560 by Representatives Quall, O'Brien, Lovick, Mitchell, Clements, Sump, Simpson, Sehlin, Cooper, Delvin, Boldt, Morell, Kessler, Buck, Hankins, Fisher, Armstrong, Mielke, Rockefeller, Haigh, Nixon, Kenney and Jackley

AN ACT Relating to driver training schools; and amending RCW 46.20.100.

Referred to Committee on Transportation.

HB 2561 by Representatives Schoesler and McMorris

AN ACT Relating to the records of water conservancy boards; and amending RCW 90.80.135.

Referred to Committee on State Government.

HB 2562 by Representatives Conway, O'Brien, Wood, Simpson, Kenney, Cody, Fromhold, Sullivan, Upthegrove, Eickmeyer, Chase, Edwards, Schual-Berke, Santos and Kirby

AN ACT Relating to stimulating economic recovery by providing benefits to unemployed individuals; amending RCW 50.20.130, 50.20.010, 50.20.070, 50.20.095, 50.20.140, 50.20.170, 50.20.180, 50.32.040, 50.32.100, 50.32.110, 50.32.130, and 50.32.160; adding a new section to chapter 50.20 RCW; creating a new section; repealing RCW 50.20.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2563 by Representatives Miloscia, O'Brien, Kirby, Kessler, Haigh and McIntire

AN ACT Relating to performance audits; adding new sections to chapter 43.09 RCW; making an appropriation; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

HB 2564 by Representatives Holmquist, Mulliken, Dunshee, Edwards, DeBolt, Sullivan, Mielke, Hatfield, Schindler, Berkey, Dunn, Crouse, Kirby, Boldt and Benson

AN ACT Relating to changing references in annexation procedures from "qualified electors" to "registered voters"; amending RCW 35A.14.299 and 35A.14.020; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2565 by Representatives Fromhold, Benson, Miloscia, Quall, Carrell, Eickmeyer, Morell, Barlean, Chase, Rockefeller, Lantz, Simpson, Kessler and Haigh

AN ACT Relating to construction defect claims asserting property loss and damage; adding a new section to chapter 64.34 RCW; adding a new section to chapter 4.16 RCW; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

HB 2566 by Representatives Linville, Pflug, Cooper, Barlean, Roach, Berkey, Wood, Reardon, Hunt, Delvin, Sullivan, Lysen, Anderson, Morris, Crouse, Upthegrove, Miloscia, Morell, Chase, Rockefeller, Simpson, Darneille, Conway, McIntire, Santos and Edwards

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

Referred to Committee on Agriculture & Ecology.

SB 5064 by Senators Prentice and Winsley; by request of Gambling Commission

AN ACT Relating to cheating at gambling; amending RCW 9.46.196; reenacting and amending RCW 9.94A.320; adding new sections to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

ESSB 5236 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

AN ACT Relating to the safety of newborn children; amending RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to chapter 13.34 RCW; creating new sections; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Children & Family Services.

ESB 5852 by Senators Franklin, Kline, Costa and Kohl-Welles

AN ACT Relating to reporting on issues pertaining to racial profiling; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

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

REPORTS OF STANDING COMMITTEES

January 16, 2002

SHB 1260 Prime Sponsor, Committee On Criminal Justice & Corrections: Establishing a postsecondary education program for inmates. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Kagi; Kirby and Morell.

MINORITY recommendation: Without recommendation. Signed by Representatives Ahern.

Voting yea: Representatives Ballasiotes, Kagi, Kirby, Lovick, Morell, and O'Brien.

Voting nay: Representative Ahern

Passed to Committee on Rules for second reading.

January 16, 2002

HB 1512 Prime Sponsor, Representative Sommers: Including computer images in the definition of "visual or printed matter." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

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

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

MOTION

On motion of Representative Hatfield, the House adjourned until 9:55 a.m., January 22, 2002, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

EIGHTH DAY, JANUARY 21, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 22, 2002

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

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

INTRODUCTION & FIRST READING

HB 2567 by Representatives Santos, Jarrett, Hunt, O'Brien, Cairnes, Conway, Esser, Quall, Dickerson, McIntire, Kirby, Wood, Lysen, Chase, Kenney, Simpson, McDermott and Kagi

AN ACT Relating to the maximum allowable percentage for maintenance and operation school levies; and amending RCW 84.52.0531.

Referred to Committee on Education.

HB 2568 by Representatives Dickerson, Tokuda, Kagi, Fromhold, Ogden, Chase, Jackley and McDermott

AN ACT Relating to formalizing the relationship between the department of social and health services and the state school for the deaf; reenacting and amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Children & Family Services.

HB 2569 by Representatives Casada, Fisher, Campbell, Morris, Morell, Lovick, Cody, Schindler, Crouse, Delvin, Mitchell, Cairnes, Darneille, Roach and Mulliken

AN ACT Relating to display of improper license plates or tabs; amending RCW 46.16.230 and 46.63.020; reenacting and amending RCW 46.16.240; adding a new section to chapter 46.16 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2570 by Representatives Doumit, Sump, Buck and Hatfield

AN ACT Relating to extending the time period for federal assurances related to the forests and fish report; and amending RCW 77.85.190.

Referred to Committee on Natural Resources.

HB 2571 by Representatives Dunshee, Crouse, Dunn, Schmidt and Kirby

AN ACT Relating to authorizing port districts to pay claims or other obligations by check or warrant; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Local Government & Housing.

HB 2572 by Representatives Schual-Berke, Campbell, Miloscia, Schmidt, Veloria, Hunt, Benson, Upthegrove and McDermott

AN ACT Relating to limiting campaign contributions; and amending RCW 42.17.640.

Referred to Committee on State Government.

HB 2573 by Representatives Schual-Berke, Wood, Doumit, Hunt, Murray, Haigh, Kagi, Berkey, Sullivan, Fisher, Lovick, Jackley, Cooper, Simpson and McDermott

AN ACT Relating to traffic safety education funding; amending RCW 46.20.055 and 46.68.041; and reenacting and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 2574 by Representatives Ogden, Dunn, Tokuda, Hankins, O'Brien, Jarrett, Fromhold, Santos, Schual-Berke and Kenney

AN ACT Relating to a children's system of care; adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 74 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 2575 by Representatives Rockefeller, Ericksen, Upthegrove, Linville, Doumit and Lysen

AN ACT Relating to Puget Sound marine resource committees; amending RCW 79.24.580; adding a new chapter to Title 77 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2576 by Representatives Hunt, Conway and Kenney; by request of Department of Licensing

AN ACT Relating to master license system fees; amending RCW 19.02.030 and 19.02.075; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2577 by Representatives Talcott, Haigh, Cox, Schindler, Pearson, Anderson, Carrell, Schmidt, Nixon, Morell, Casada, Esser, Benson, Holmquist, Miloscia, Mitchell, Mulliken, Quall, Woods, Campbell, Ogden and Upthegrove

AN ACT Relating to character education; amending RCW 28A.150.211; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 2578 by Representatives Nixon, Cox, Boldt, Mielke, Orcutt, Benson, Morell, Mulliken, Ericksen, Sump, Esser, Alexander, Schindler, Schoesler, McMorris, Schmidt, Lisk, Pearson and Casada

AN ACT Relating to services available to WorkFirst recipients; and amending RCW 74.08A.290.

Referred to Committee on Children & Family Services.

HB 2579 by Representatives Dunshee, Miloscia, Mulliken, Pearson, Wood, Lysen, Hatfield and Conway

AN ACT Relating to service credit for military service by members of the public employees' retirement system, plan 2; and amending RCW 41.40.710.

Referred to Committee on Appropriations.

HB 2580 by Representatives Simpson, Dunshee, Cooper and Cairnes

AN ACT Relating to requiring concurrency planning for law enforcement in growth management comprehensive plans and development regulations; amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2581 by Representatives Dunshee, Simpson and Cooper

AN ACT Relating to requiring concurrency planning for fire protection services in growth management comprehensive plans and development regulations; amending RCW 36.70A.070; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2582 by Representatives Talcott, Cody, Carrell, Cox, Quall, Nixon, Anderson, Schmidt and Haigh

AN ACT Relating to visual screening of children in public schools; and amending RCW 28A.210.020.

Referred to Committee on Health Care.

HB 2583 by Representatives Morris, Reardon, Haigh, Linville, Grant, Gombosky, Quall, Hatfield, Kessler, Anderson, Miloscia and Nixon

AN ACT Relating to a permitting bill of rights; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 2584 by Representatives Reardon, Crouse, Morris, Delvin, Ruderman, Anderson, Berkey, Linville, Schindler and Esser

AN ACT Relating to leases for personal wireless communication facilities; and amending RCW 58.17.040.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2585 by Representatives McDermott, Romero, Miloscia, Upthegrove, Schindler and Lysen

AN ACT Relating to members of the public disclosure commission; and amending RCW 42.17.350.

Referred to Committee on State Government.

HB 2586 by Representatives Schindler and Mielke

AN ACT Relating to unsolicited dissemination of complaints by the public disclosure commission; and amending RCW 42.17.370.

Referred to Committee on State Government.

HB 2587 by Representatives Romero, Upthegrove, Miloscia, Schindler, Dunn and Ogden

AN ACT Relating to time limits for investigations by the public disclosure commission; and amending RCW 42.17.410.

Referred to Committee on State Government.

HB 2588 by Representatives Skinner and Cody

AN ACT Relating to information required to appear on a prescription label; and amending RCW 18.64.246.

Referred to Committee on Health Care.

HB 2589 by Representatives Linville, Mulliken, Cody, Skinner, Veloria and Kenney

AN ACT Relating to licensure of audiologists and speech-language pathologists; amending RCW 18.35.010, 18.35.010, 18.35.020, 18.35.020, 18.35.030, 18.35.040, 18.35.040, 18.35.050, 18.35.060, 18.35.060, 18.35.080, 18.35.090, 18.35.090, 18.35.095, 18.35.100, 18.35.100, 18.35.105, 18.35.105, 18.35.110, 18.35.120, 18.35.120, 18.35.140, 18.35.140, 18.35.150, 18.35.161, 18.35.161, 18.35.172, 18.35.172, 18.35.175, 18.35.185, 18.35.185, 18.35.190, 18.35.190, 18.35.195, 18.35.205, 18.35.205, 18.35.230, 18.35.230, 18.35.240, 18.35.240, 18.35.250, 18.35.250, 18.35.260, and 18.35.260; reenacting and amending RCW 18.35.110; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care.

HB 2590 by Representatives Ruderman, Cody, DeBolt, Veloria, Schual-Berke and Kagi

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, 18.74.012, and 18.74.030; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health Care.

HB 2591 by Representatives Hatfield and Doumit

AN ACT Relating to roads and streets across aquatic lands; and amending RCW 79.91.080 and 79.91.100.

Referred to Committee on Natural Resources.

HB 2592 by Representatives Gombosky, Ahern, Eickmeyer, Clements, Grant, Dunn, Fromhold, Mulliken, Wood, Ogden, Linville, Hatfield and Conway

AN ACT Relating to community revitalization financing under chapter 39.89 RCW; amending RCW 39.89.030; adding a new section to chapter 39.89 RCW; and repealing RCW 39.89.901.

Referred to Committee on Trade & Economic Development.

HB 2593 by Representatives Upthegrove, Schual-Berke, Veloria, McDermott, Miloscia, Lysen and Santos

AN ACT Relating to creating a citizens committee for the enhancement of communities surrounding an airport; adding a new section to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2594 by Representatives Edwards, Schmidt, Lovick, O'Brien, Miloscia, Barlean, Pearson and Dunshee

AN ACT Relating to public transportation systems; and amending RCW 36.57A.110 and 36.57A.130.

Referred to Committee on Transportation.

HB 2595 by Representatives Morris, Anderson, Gombosky, Cox, Edwards, Nixon, Ogden, Santos, Delvin, Veloria, Conway, Cooper, Ruderman, Wood and Kagi

AN ACT Relating to a state wireless enhanced 911 excise tax; amending RCW 38.52.010, 38.52.530, 38.52.540, 38.52.550, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; adding a new section to chapter 38.52 RCW; creating a new section; repealing RCW 38.52.560; and providing an effective date.

Referred to Committee on Finance.

HB 2596 by Representatives Linville, Schoesler, Grant and Roach

AN ACT Relating to food service rules; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2597 by Representatives Conway, Wood and McIntire

AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

HB 2598 by Representatives O'Brien, Morell, Conway, Kagi and Kirby; by request of Jt Select Comm on the Equitable Distrib of Secure Community Transition Facil

AN ACT Relating to the implementation of the recommendations of the joint select committee on the equitable distribution of secure community transition facilities; amending RCW 36.70A.200, 71.09.020, 71.09.285, 71.09.305, 71.09.255, and 36.70A.103; adding a new section to chapter 4.24 RCW; adding new sections to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2599 by Representatives Orcutt, O'Brien, Ahern, Kagi, Doumit, Chandler, Sump, Benson, Barlean, Nixon, Carrell, Roach, Talcott, Lisk, Mulliken, Lysen, Kirby, Pearson and Casada

AN ACT Relating to offender work programs; and amending RCW 9.94A.725, 9.94A.731, 70.48.210, and 72.65.020.

Referred to Committee on Criminal Justice & Corrections.

HB 2600 by Representatives Orcutt, Doumit and Pearson

AN ACT Relating to duplicate fish and wildlife document fees; and amending RCW 77.32.256.

Referred to Committee on Natural Resources.

HB 2601 by Representatives Cody, Campbell, Conway, Skinner, Wood, McDermott, Ballasiotes, McIntire, Darneille and Ogden

AN ACT Relating to prohibiting health care facilities from requiring employees to perform overtime work; adding new sections to chapter 49.28 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2602 by Representatives Chase, Gombosky, Cairnes, Kenney, Jackley and Simpson; by request of Department of Revenue

AN ACT Relating to simplifying tax administration by revising terminology and updating references and procedures; amending RCW 67.28.1801, 67.40.140, 82.04.010, 82.04.050, 82.04.260, 82.04.272, 82.04.290, 82.04.290, 82.04.470, 82.08.010, 82.08.0266, 82.08.02665, 82.08.02745, 82.08.0283, 82.08.820, 82.08.890, 82.12.02565, 82.12.010, 82.12.02567, 82.12.0277, 82.12.045, 82.14.0485, 82.14.0494, 82.14.370, 82.14.390, 82.16.010, 82.18.060, 82.32.050, 82.32.060, 82.45.032, 84.04.090, and 84.36.383; amending 2001 c 188 s 1 (uncodified); creating a new section; repealing RCW 63.29.033; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2603 by Representatives Orcutt, O'Brien, Doumit, Sump, Lysen, Benson, Lisk, Mulliken and Woods

AN ACT Relating to operating watercraft; amending RCW 10.31.100; and adding a new section to chapter 79A.60 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 2604 by Representatives Clements, Conway, McMorris and Wood

AN ACT Relating to new and successor employer unemployment contribution rates; amending RCW 50.29.025 and 50.29.062; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2605 by Representatives O'Brien, Morell, Jackley and Lovick

AN ACT Relating to aggregating value for purposes of determining the degree of theft; and amending RCW 9A.56.010.

Referred to Committee on Criminal Justice & Corrections.

HB 2606 by Representatives Haigh, Rockefeller and Eickmeyer

AN ACT Relating to eliminating certain restrictions on water system interties; and amending RCW 90.03.383.

Referred to Committee on Agriculture & Ecology.

HB 2607 by Representatives McDermott, Armstrong, Ruderman, Rockefeller, Campbell, Conway, Cody, Pearson, Esser and Kenney

AN ACT Relating to physical examinations by health practitioners; and amending RCW 28A.600.200.

Referred to Committee on Education.

HB 2608 by Representatives Sullivan, Gombosky, Conway, Cairnes, Roach, McIntire, Ogden and Kenney; by request of Department of Revenue

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

Referred to Committee on Finance.

HB 2609 by Representatives Sullivan, Gombosky, Cairnes and Simpson; by request of Department of Revenue

AN ACT Relating to improving property tax administration by merging double amendments, correcting out-of-date terminology, and clarifying procedures; amending RCW 36.68.525, 84.09.030, 84.09.037, 84.14.110, 84.38.130, and 84.40.020; reenacting and amending RCW 84.33.130, 84.33.140, and 84.34.108; creating new sections; and repealing RCW 84.33.120.

Referred to Committee on Finance.

HB 2610 by Representatives Darneille, Morell, Tokuda, O'Brien, Upthegrove, Kirby and Campbell

AN ACT Relating to endangerment of children and dependent persons with a controlled substance; amending RCW 9A.42.010, 13.34.132, and 43.43.830; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9A.42 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

HB 2611 by Representatives Lysen, Casada, Romero, Kenney, Berkey, Sullivan, Wood, Linville, Hunt, Kagi, Dickerson, Darneille, McDermott, Haigh, O'Brien, Chase, Fromhold, Veloria, Cody, Lovick, Upthegrove, Orcutt, Kirby, McIntire, Miloscia, Nixon, Campbell, Santos, Schual-Berke and Conway

AN ACT Relating to commercial telephone solicitation; amending RCW 19.158.110; adding new sections to chapter 19.158 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2612 by Representatives Darneille, Upthegrove, Cody, Miloscia and Lysen; by request of Department of Health

AN ACT Relating to the human immunodeficiency virus insurance program; adding a new section to chapter 43.70 RCW; repealing RCW 74.09.757; and providing an effective date.

Referred to Committee on Health Care.

HB 2613 by Representatives Darneille and Cody; by request of Department of Health

AN ACT Relating to eye banks; and repealing RCW 68.50.630.

Referred to Committee on Health Care.

HB 2614 by Representatives Lysen, Casada, Romero, Kenney, Berkey, Sullivan, Wood, Nixon, Hunt, Anderson, Kagi, Linville, Bush, Haigh, Esser, Dickerson, McDermott, O'Brien, Darneille, Chase, Cody, Kirby, Lovick, Fromhold, McIntire, Orcutt, Miloscia, Mulliken, Rockefeller, Campbell, Ogden, Santos, Hatfield, Schual-Berke, Conway, Jackley and Simpson

AN ACT Relating to commercial telephone solicitation; and adding new sections to chapter 19.158 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2615 by Representatives Cody, Dickerson, McIntire, Rockefeller, Santos, Lysen, Chase, Schual-Berke, Conway, Kenney, Darneille, Jackley and Simpson

AN ACT Relating to an elementary school disabilities awareness program; adding a new chapter to Title 28A RCW; and providing an effective date.

Referred to Committee on Education.

HB 2616 by Representative Linville

AN ACT Relating to the authority of the liquor control board; and amending RCW 66.44.010.

Referred to Committee on Criminal Justice & Corrections.

HB 2617 by Representatives Linville, Romero, DeBolt, Quall, Kirby, Alexander, Morris, Dunshee, Bush, Hunt, Tokuda, Miloscia and McDermott

AN ACT Relating to disclosure of employer and occupation information by certain political campaign contributors; and amending RCW 42.17.090.

Referred to Committee on State Government.

HB 2618 by Representatives Romero, Dickerson, Ruderman and Ogden

AN ACT Relating to public accountability and the reviews of state agencies; amending RCW 44.28.071; adding a new section to chapter 44.28 RCW; creating a new section; and providing an effective date.

Referred to Committee on State Government.

HB 2619 by Representatives Romero, Miloscia and Upthegrove

AN ACT Relating to laying hens; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Judiciary.

HB 2620 by Representatives Romero, Miloscia and Upthegrove

AN ACT Relating to litter prevention; and amending RCW 46.20.095.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

January 18, 2002

HJM 4016 Prime Sponsor, Representative Morris: Requesting increased borrowing authority for the Bonneville Power Administration. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Berkey; Delvin; Esser; Hunt; Lysen; Nixon; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Berkey, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Reardon, Sullivan and Wood.

Not voting: Representative Casada.

Excused: Representatives Anderson, Bush, DeBolt, Pflug and Romero.

Passed to Committee on Rules for second reading.

January 22, 2002

HJM 4017 Prime Sponsor, Representative Haigh: Opposing federalization of the National Guard. Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes; Barlean; Benson; Buck; Campbell; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

Excused: Representative Haigh.

There being no objection, the memorial listed on the day's committee reports sheet under the fifth order of business was referred to the committee so designated with the exception of House Joint Memorial 4017 which is placed on the Second Reading calendar for the next working day.

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

There being no objection, the Committee on Local Government & Housing was relieved of further consideration on House Bill No. 2557, and the bill was referred to the Committee on Natural Resources.

There being no objection, the Committee on Local Government & Housing was relieved of further consideration on House Bill No. 2558, and the bill was referred to the Committee on Natural Resources.

There being no objection, the Committee on Health Care was relieved of further consideration on House Bill No. 2546, and the bill was referred to the Committee on Education.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Second Reading calendar:

House Bill No. 1166,
House Bill No. 1521,
House Bill No. 2042,

House Bill No. 2169,
House Joint Memorial No. 4016,

There being no objection, the Rules Committee was relieved of the following bills which were placed on the Third Reading calendar:

House Bill No. 1196,
Substitute House Bill No. 1469,

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

There being no objection, the House adjourned until 10:00 a.m., January 23, 2002, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1166 Other Action 10
1196 Other Action 10
1469-S Other Action 10
1521 Other Action 10
2042 Other Action 10
2169 Other Action 10
2546 Other Action 10
2557 Other Action 10
2558 Other Action 10
2567 Introduction & 1st Reading 1
2568 Introduction & 1st Reading 1
2569 Introduction & 1st Reading 1
2570 Introduction & 1st Reading 1
2571 Introduction & 1st Reading 1
2572 Introduction & 1st Reading 2
2573 Introduction & 1st Reading 2
2574 Introduction & 1st Reading 2
2575 Introduction & 1st Reading 2
2576 Introduction & 1st Reading 2
2577 Introduction & 1st Reading 2
2578 Introduction & 1st Reading 2
2579 Introduction & 1st Reading 3
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2601 Introduction & 1st Reading 6
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2615 Introduction & 1st Reading 8
2616 Introduction & 1st Reading 8
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2619 Introduction & 1st Reading 9
2620 Introduction & 1st Reading 9
4016 Committee Report 9
Other Action 10
4017 Committee Report 9
Other Action 10

JOURNAL OF THE HOUSE

NINTH DAY, JANUARY 22, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 23, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michael Robison and Beth Bauman. Prayer was offered by Pastor Kevin Holland, Covington Christian Fellowship, Covington.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4681, by Representatives Gombosky, Schoesler, Ahern, Benson, Schindler, Cox, Crouse, Delvin, Pflug, Chandler, Sump, Pearson, Schmidt, Morell, Campbell, Barlean, Roach, Santos, Sullivan, Jarrett, McMorris, Doumit, Esser, Orcutt, Mielke, Kessler, Ogden, Talcott, Carrell, Fisher, Quall, Kagi, Cooper, Chase, Lovick, Reardon, Wood, Veloria, Linville, Morris, O'Brien, Fromhold, Kirby, Hunt, Lysen, Murray, Sommers, Grant, Ruderman, Hatfield, Casada, Berkey, Upthegrove, Alexander, Mitchell, Mulliken, Ballasiotes, Clements, Cody, Darneille, Hankins, Woods, Conway, Lantz, Rockefeller and Jackley

WHEREAS, There are 200 local Chambers of Commerce in the state of Washington representing approximately 54,000 small businesses which, in turn, employ over 2,800,000 citizens; and

WHEREAS, Washington State Chambers raise over \$25,000,000 annually for local community enrichment projects, involving more than 14,000 volunteers who give generously of their time and talent; and

WHEREAS, Washington State Chambers managed in excess of 3,000,000 visitor and relocation inquiries last year, and at the same time served over 30,000 businesses seeking information about locating their companies in our state; and

WHEREAS, During 2001, approximately 250 new businesses opened their doors in Washington, assisted by their local Chamber of Commerce, creating more than 5,000 new jobs for our citizens; and

WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication, and dignity enhancing the state's economy and improving the quality of life for its citizens;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the United States Chamber of Commerce in Washington D.C. by the Chief Clerk of the House of Representatives.

Representative Gombosky moved the adoption of the resolution.

Representatives Gombosky, DeBolt, Morris, Woods and Fromhold spoke in favor of the adoption of the resolution.

House Resolution No. 4681 was adopted.

The Speaker assumed the chair.

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

SECOND READING

HOUSE JOINT MEMORIAL NO. 4017, by Representatives Haigh, Conway, Talcott, Schmidt, Carrell and Simpson

Opposing federalization of the National Guard.

The joint memorial was read the second time.

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

Representatives Haigh, Schmidt, Talcott, Morris and Benson spoke in favor of passage of the joint memorial.

MOTION

On motion of Representative Woods, Representatives Mielke and Pflug were excused.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4017 .

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4017 and the memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Mielke, and Pflug - 2.

House Joint Memorial No. 4017, having received the necessary constitutional majority, was declared passed.

There being no objection, House Joint Memorial No. 4017 was immediately transmitted to the Senate.

MESSAGE FROM THE SENATE

January 23, 2002

Mr. Speaker:

The Senate has passed:

HOUSE JOINT MEMORIAL NO. 4017,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE JOINT MEMORIAL NO. 4017

SECOND READING

HOUSE BILL NO. 1166, by Representatives Rockefeller, Buck, Doumit, Pennington and Edwards; by request of Salmon Recovery Funding Board

Allowing state agencies to sponsor salmon recovery projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 1166 was substituted for House Bill No. 1166 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1166 was read the second time.

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

Representatives Rockefeller and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1166 .

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1166 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Mielke, and Pflug - 2.

Substitute House Bill No. 1166, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1521, by Representatives Simpson, Mulliken, Dunshee, Mielke and Haigh

Authorizing the state treasurer to distribute interest from the local leasehold excise tax account.

The bill was read the second time. There being no objection, Substitute House Bill No. 1521 was substituted for House Bill No. 1521 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1521 was read the second time.

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

Representative Simpson spoke in favor of passage of the bill.

MOTION

On motion of Representative Woods, Representative Sehlin was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1521.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1521 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Mielke, Pflug and Sehlin - 3.

Substitute House Bill No. 1521, having received the necessary constitutional majority, was declared .

There being no objection, House Bill No. 2042 was referred from the Second Reading calendar to the Committee on Juvenile Justice & Family Law.

HOUSE BILL NO. 2169, by Representative Alexander

Issuing warrants by fire districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2169 was substituted for House Bill No. 2169 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2169 was read the second time.

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

Representatives Alexander and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2169.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2169 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Mielke, Pflug and Sehlin - 3.

Substitute House Bill No. 2169, having received the necessary constitutional majority, was declared .

HOUSE JOINT MEMORIAL NO. 4016, by Representatives Morris, Crouse, Ogden and Linville

Requesting increased borrowing authority for the Bonneville Power Administration.

The joint memorial was read the second time.

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

Representatives Morris, Delvin, Lysen and Sullivan spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4016.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4016 and the memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Mielke, Pflug, and Sehlin - 3.

House Joint Memorial No. 4016, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

January 23, 2002

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4017,
and the same is herewith transmitted.

Tony M. Cook, Secretary

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

INTRODUCTION & FIRST READING

HB 2621 by Representatives Roach, O'Brien, Casada, Lovick, Benson, Carrell, Kirby, Barlean, Ahern, Morell, Pearson, Schmidt, Mulliken, Campbell, Conway, Simpson and Esser

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.61.024, 46.61.520, and 46.61.522; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2622 by Representatives Quall, Talcott, Anderson, Haigh, Rockefeller, Schmidt, Ogden, Lantz and Esser

AN ACT Relating to improving K-12 preparedness and performance through promoting better oral health; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Education.

HB 2623 by Representatives Grant, Cairnes, Reardon, Orcutt, Hatfield, Esser, Doumit, Anderson, Linville, Schoesler, Kessler, Jarrett, Berkey, Pflug, Alexander, Jackley, O'Brien, Nixon, Edwards, Mulliken and Haigh

AN ACT Relating to adjusting the dollar threshold for substantial development under the shoreline management act; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2624 by Representatives Conway, Clements, Wood, Edwards and Hunt; by request of Governor Locke

AN ACT Relating to the shared game lottery revenues for education purposes; amending RCW 67.70.010 and 67.70.040; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2625 by Representatives Linville, Buck, Van Luven and Lysen

AN ACT Relating to eliminating the exclusivity of gill net gear in certain waters; amending RCW 77.50.010; creating a new section; and providing an effective date.

Referred to Committee on Natural Resources.

HB 2626 by Representatives McIntire, Doumit, McDermott, Simpson, Linville, Benson, Kagi, Jarrett, Nixon, Edwards, Ogden and Rockefeller

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

Referred to Committee on Natural Resources.

HB 2627 by Representatives McIntire, Dunshee, Gombosky, Kenney, Esser, Quall, Jarrett, Benson, Lantz, Murray, Hurst, Voloria, Kagi, McDermott, Cooper, Chase, Anderson and Santos

AN ACT Relating to creating the Washington voluntary accounts program; reenacting and amending RCW 43.84.092; and adding a new chapter to Title 41 RCW.

Referred to Committee on Appropriations.

HB 2628 by Representatives Chase, Edwards, Murray, Hunt, Lovick, Kenney, Schmidt, Voloria, Haigh and Conway

AN ACT Relating to small business technology transfer awards; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2629 by Representatives Wood, Conway, Kenney, Dickerson and Lysen

AN ACT Relating to licensing elevator contractors and mechanics; amending RCW 70.87.010, 70.87.020, 70.87.030, 70.87.050, 70.87.100, 70.87.125, 70.87.145, 70.87.170, 70.87.180, and 70.87.210; adding new sections to chapter 70.87 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2630 by Representatives Conway, Cairnes, Cooper, Wood, Lantz, Sullivan, Berkey, Edwards, Tokuda, Chase, Ogden, Santos and Simpson

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

Referred to Committee on Commerce & Labor.

HB 2631 by Representatives Conway, Clements, Wood and Kenney; by request of Liquor Control Board and Gambling Commission

AN ACT Relating to meeting federal standards for criminal background checks for the liquor control board and the gambling commission; and amending RCW 9.46.070, 66.08.030, 66.24.010, and 66.24.025.

Referred to Committee on Commerce & Labor.

HB 2632 by Representatives Sommers, Cox, Kenney and McIntire

AN ACT Relating to the higher education retirement plan; amending RCW 28B.10.400; creating a new section; repealing RCW 28B.10.423; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2633 by Representatives Anderson, Morris, Ruderman, Hunt, Reardon, Crouse, Bush, Esser, Nixon, Pflug, Casada, Schmidt, Linville, Haigh and Jackley

AN ACT Relating to tax information on customer billings; amending RCW 82.16.090; adding a new section to chapter 82.32A RCW; and recodifying RCW 82.16.090.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2634 by Representatives Anderson, Cox, Talcott, Pflug, Bush, Carrell, Schindler, Schmidt, Van Loven, Morell, Roach, Nixon, Casada, Jarrett, Armstrong, Esser, Barlean, Pearson, Ballasiotes, Cairnes, Skinner, Woods, Dunn, Mitchell, Alexander, Ericksen, Edwards, Mulliken and Simpson

AN ACT Relating to ensuring funding for cost-of-living increases for certain school district and community and technical college employees; amending RCW 28A.400.205; reenacting and amending RCW 43.135.045; and creating a new section.

Referred to Committee on Appropriations.

HB 2635 by Representatives Cody, Campbell, Schual-Berke, Conway, Dickerson, Berkey, Edwards, Chase, McIntire, Ogden, Jackley, Kenney and Kagi; by request of Governor Locke

AN ACT Relating to development of consolidated purchasing and administration of health care services; adding new sections to chapter 41.05 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health Care.

HB 2636 by Representatives Kagi, Chase, Dickerson, Casada, Tokuda, Veloria, Ogden and Rockefeller

AN ACT Relating to reducing littering of beverage containers by authorizing a redemption program; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 2637 by Representatives Morris, Hatfield, Kessler, Anderson, Veloria, Linville, Haigh, Conway, Hunt, Schual-Berke, Wood, Simpson, Rockefeller, Jackley, Kagi and Ogden

AN ACT Relating to the joint task force on long-term energy supply; amending RCW 43.21F.015 and 43.21F.090; creating a new section; and providing an expiration date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2638 by Representative Sommers; by request of Office of Financial Management

AN ACT Relating to the actuarial funding of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.45.010, 41.45.050, and 41.45.053; reenacting and amending RCW 41.45.020, 41.45.060, and 41.45.070; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2639 by Representatives Ruderman, Crouse, Bush, Nixon, Casada, Carrell, Anderson, Hunt, Van Luven, Talcott, Benson, Murray, Miloscia and Esser

AN ACT Relating to extending the prohibition on taxes or fees specific to internet service providers; and amending RCW 35.21.717.

Referred to Committee on Finance.

HB 2640 by Representative Gombosky; by request of Governor Locke

AN ACT Relating to including shipping charges in the measure of tax for use tax purposes; amending RCW 82.12.010; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2641 by Representatives Gombosky, Cairnes, Kessler, Morris, Berkey, Edwards, Kenney, Linville, Ogden and Conway; by request of Governor Locke

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

Referred to Committee on Finance.

HB 2642 by Representatives Hurst and Haigh

AN ACT Relating to notifying employers of volunteer fire fighter service; and amending RCW 49.12.460.

Referred to Committee on Commerce & Labor.

HB 2643 by Representatives Dunshee, Mulliken, Linville and Chase

AN ACT Relating to conditioning the issuance of building permits on connecting to public water systems; and amending RCW 19.27.097.

Referred to Committee on Local Government & Housing.

HB 2644 by Representatives Dunshee, Mulliken, Linville, Chase and Lantz

AN ACT Relating to using population projections in determining adequacy of water supply; and amending RCW 43.62.035.

Referred to Committee on Local Government & Housing.

HB 2645 by Representatives McMorris, Cairnes, Schindler, Dickerson, Boldt and Mulliken

AN ACT Relating to state building codes; amending RCW 19.27.015, 19.27.031, 19.27.040, and 19.27.074; and reenacting and amending RCW 19.27.060.

Referred to Committee on Local Government & Housing.

HB 2646 by Representatives O'Brien, Ballasiotes, Kirby, Fisher, Jarrett, Schmidt, Edwards, Haigh and Lisk

AN ACT Relating to the exemption of certain documents from public inspection and copying; and reenacting and amending RCW 42.17.310.

Referred to Committee on Select Committee on Community Security.

HB 2647 by Representatives Lantz, Carrell, Ogden, Benson and Rockefeller; by request of Administrator for the Courts

AN ACT Relating to judges pro tempore; and amending RCW 2.08.180.

Referred to Committee on Judiciary.

HB 2648 by Representatives Murray, Esser, Reardon and McIntire

AN ACT Relating to the office of financial management; and creating a new section.

Referred to Committee on Capital Budget.

HB 2649 by Representatives Carrell, Anderson, Crouse and McMorris

AN ACT Relating to property tax statistics; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Finance.

HB 2650 by Representatives Carrell, Cooper, Crouse, Benson and Simpson

AN ACT Relating to voter approval of property tax levies exceeding the district levy limit; and amending RCW 84.55.050.

Referred to Committee on Finance.

HB 2651 by Representatives Carrell, Cooper, Crouse, Mielke, Benson and Simpson

AN ACT Relating to fire protection district property tax levies; amending RCW 84.52.010 and 84.52.043; and adding a new section to chapter 52.16 RCW.

Referred to Committee on Finance.

HB 2652 by Representatives Carrell, Mielke and Boldt

AN ACT Relating to protecting innocent owners of impounded vehicles; amending RCW 46.12.101, 46.55.110, 46.55.120, and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

HB 2653 by Representatives Carrell, Mielke, Roach, Crouse, Nixon and Benson

AN ACT Relating to transfer of vehicle ownership upon the death of the registered owner; and adding a new section to chapter 46.12 RCW.

Referred to Committee on Judiciary.

HB 2654 by Representatives Ahern, Miloscia, Benson, Wood, Pearson, Sullivan, Boldt, Cox, Barlean, Schoesler, Schindler, Jackley, Orcutt, Clements, Roach, Skinner, Casada, Lovick, Dunn, Nixon, Talcott, Chandler, Schmidt, Mulliken, Campbell and Esser

AN ACT Relating to providing a sales and use tax exemption for items acquired for donation by a wish granting organization; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2655 by Representatives Schual-Berke, Esser, Lantz, Chase, Lysen, Nixon and Rockefeller; by request of Office of Community Development

AN ACT Relating to protection orders; amending RCW 10.14.040, 10.14.100, 10.14.125, and 26.50.125; adding a new section to chapter 10.14 RCW; and repealing RCW 10.14.130.

Referred to Committee on Judiciary.

HB 2656 by Representatives Boldt, Mielke, Clements and Morell

AN ACT Relating to allowing an exemption from temporary assistance for needy families' time limits; and amending RCW 74.08A.010.

Referred to Committee on Children & Family Services.

HB 2657 by Representatives Hunt, Armstrong, Linville, Schoesler, O'Brien, Holmquist, Chase, Roach, Ogden, Clements, Cox, Mulliken, Barlean, Sehlin, Conway and Rockefeller

AN ACT Relating to agricultural products purchased for state institutions and state-supported facilities; adding a new section to chapter 43.19 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

HB 2658 by Representatives Gombosky, Dunshee, Romero, Reardon, Berkey, Upthegrove, Edwards, Chase, Kenney, Linville, McIntire and Conway; by request of Governor Locke

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity; amending RCW 82.32.060; adding new sections to chapter 35.21 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

HB 2659 by Representatives Sommers, O'Brien, Tokuda, Ballasiotes, Santos, Edwards, Chase and Kenney

AN ACT Relating to mitigating the impacts of revenue reductions on local governments; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Finance.

HB 2660 by Representatives Morris, Crouse, Kessler, Ruderman, Hatfield, DeBolt, Linville, Anderson, Simpson, Grant, Jarrett, Murray, Hunt, Gombosky, Esser, Bush, Pflug, Berkey, Delvin and Kenney

AN ACT Relating to utility relocation costs; and amending RCW 81.112.100.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2661 by Representatives Hurst and Kenney; by request of Governor Locke and Attorney General

AN ACT Relating to licensing and regulating money transmitters and currency exchangers; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Select Committee on Community Security.

HB 2662 by Representatives McDermott, Wood, Miloscia, O'Brien, Cody, Conway, Edwards, Lysen, Chase and Santos

AN ACT Relating to making payroll deductions for individual providers as defined in RCW 74.39A.240(4); and amending RCW 41.56.110.

Referred to Committee on Commerce & Labor.

HB 2663 by Representatives Conway, Clements, Cooper, Reardon, Sullivan, Delvin, Simpson, Armstrong, Hankins, Benson, Cairnes, Lysen, Kirby, Edwards, Chase, Kenney, Campbell, Barlean, Santos, Talcott, Wood and Rockefeller

AN ACT Relating to occupational diseases affecting fire fighters; amending RCW 51.32.185; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2664 by Representatives Rockefeller, Upthegrove, Chase, Conway, Romero, Miloscia, Kagi and McDermott

AN ACT Relating to creating the Washington wildlife conservation foundation; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources.

HB 2665 by Representatives Sullivan, Dickerson, Edwards, Dunshee, Santos, Sommers, Chase, Kenney and Linville

AN ACT Relating to local government utility authority; amending RCW 35.92.010 and 35.92.050; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2666 by Representatives Veloria, Dunn, Bush, Roach, Casada, Anderson and Santos

AN ACT Relating to small business innovative research awards; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

HB 2667 by Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase and Santos

AN ACT Relating to foreign social referral service agencies; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2668 by Representatives Linville, Schoesler, Dunshee, Delvin and Chase; by request of Department of Ecology

AN ACT Relating to well construction; and amending RCW 18.104.020 and 18.104.055.

Referred to Committee on Agriculture & Ecology.

HB 2669 by Representatives Linville, Schoesler, Hunt, Chase and Wood

AN ACT Relating to use of animal waste as a qualified alternative energy resource; and amending RCW 19.29A.090.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2670 by Representatives Linville, Schoesler, Hunt, Kirby and Haigh

AN ACT Relating to licensing animal massage therapists; and amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.070, 18.108.073, 18.108.095, 18.108.100, 18.108.210, and 18.108.220.

Referred to Committee on Agriculture & Ecology.

HB 2671 by Representatives Linville, Romero, Reardon, Simpson, Gombosky, Grant, Veloria, Kessler, Conway, Doumit, Hatfield, Ogden, Morris, Kenney, Dickerson, Edwards, Chase, Schual-Berke, Wood, Rockefeller, Jackley, Kagi and McDermott

AN ACT Relating to a permit assistance center within the department of ecology; amending RCW 84.41.030; adding new sections to chapter 43.131 RCW; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2672 by Representatives Kirby, O'Brien, Ballasiotes, Morell, Darneille, Lovick and Kagi

AN ACT Relating to limiting the liability of providers of treatment to high risk offenders; and adding a new section to chapter 71.24 RCW.

Referred to Committee on Judiciary.

HB 2673 by Representatives Cooper, Morell, Simpson, Chase, Ogden, Wood and McDermott

AN ACT Relating to weight limits on fire-fighting apparatus; amending RCW 46.44.190; and prescribing penalties.

Referred to Committee on Transportation.

HB 2674 by Representatives Dunn, Boldt, Mulliken, Armstrong, McMorris, Anderson, Sump, Schmidt, Casada, Morell, Schindler, Mielke, Roach, Holmquist, Delvin and Nixon

AN ACT Relating to the safe display of flags on school buses and other school vehicles; and amending RCW 28A.160.010.

Referred to Committee on Education.

HB 2675 by Representatives Upthegrove, Delvin, Barlean, Rockefeller, Cooper, McDermott, Dunshee, Jackley, Lovick, Chase, Darneille, Romero, Kagi and Campbell

AN ACT Relating to the private possession of dangerous wild animals; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2676 by Representatives Hatfield, Mulliken, Dunshee, Mielke, Kirby, Berkey, Edwards, Dunn, DeBolt, Crouse and Sullivan

AN ACT Relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HB 2677 by Representatives Upthegrove, Schual-Berke and Nixon

AN ACT Relating to restricting port district property tax authority; amending RCW 53.36.020, 53.36.070, and 53.36.100; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2678 by Representatives Upthegrove, McDermott, Chase and Kagi

AN ACT Relating to voter registration; and amending RCW 29.07.025.

Referred to Committee on State Government.

HB 2679 by Representatives Mulliken and Boldt

AN ACT Relating to requiring all applicants for a commercial driver's license to demonstrate a working knowledge of the English language; amending RCW 46.25.060; and creating a new section.

Referred to Committee on Transportation.

HB 2680 by Representative Mulliken

AN ACT Relating to providing choice for insurers and employers in the provision of contraceptive coverage, services, or benefits; adding a new section to chapter 48.43 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 2681 by Representatives Mulliken and Boldt

AN ACT Relating to the teaching of the theory of evolution in the common schools of the state of Washington; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2682 by Representatives Sommers, Kessler, Van Luven, Edwards, Chase, Kenney, Darneille, Ogden, Schual-Berke, Santos and Kagi

AN ACT Relating to information from public officials on the impact of ballot propositions; and amending RCW 42.17.130 and 42.52.180.

Referred to Committee on State Government.

HB 2683 by Representatives O'Brien, Cody and Chase; by request of Department of Social and Health Services

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

Referred to Committee on Judiciary.

HB 2684 by Representatives Dickerson, Delvin and Chase; by request of Department of Social and Health Services

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

Referred to Committee on Juvenile Justice & Family Law.

HB 2685 by Representatives Kenney, Jarrett, Fromhold, Tokuda and Lantz; by request of University of Washington

AN ACT Relating to probationary periods of campus police officer appointees; and amending RCW 41.06.150.

Referred to Committee on Higher Education.

HB 2686 by Representatives Hunt, Rockefeller, Linville, Dunshee, Kirby, Sullivan, Upthegrove, Chase, Campbell, Romero, Lantz, Wood, Simpson and Kagi

AN ACT Relating to mercury reduction and education; adding a new chapter to Title 70 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Agriculture & Ecology.

HB 2687 by Representatives Schual-Berke, Upthegrove, Lovick, Lysen, Kagi and McDermott

AN ACT Relating to transporting hazardous material; and adding a new section to chapter 70.105D RCW.

Referred to Committee on Transportation.

HB 2688 by Representative Linville; by request of Department of Agriculture

AN ACT Relating to regulating commodity boards and commissions; amending RCW 15.65.020, 15.65.040, 15.65.050, 15.65.060, 15.65.070, 15.65.090, 15.65.120, 15.65.170, 15.65.180, 15.65.200, 15.65.220, 15.65.230, 15.65.235, 15.65.240, 15.65.250, 15.65.260, 15.65.270, 15.65.280, 15.65.375, 15.65.380, 15.65.430, 15.65.450, 15.65.570, 15.66.010, 15.66.030, 15.66.050, 15.66.060, 15.66.070, 15.66.090, 15.66.110, 15.66.120, 15.66.130, 15.66.140, 15.66.180, 15.66.185, 15.66.245, 15.66.260, 42.17.31907, 16.67.030, 16.67.070, 16.67.090, 16.67.120, 16.67.122, 15.44.010, 15.44.020, 15.44.035, 15.44.038, 15.44.060, 15.44.070, 15.44.080, 15.44.085, 15.44.110, 15.44.140, 15.44.150, 15.28.010, 15.28.020, 15.28.110, 15.28.130, 15.28.250, and 15.88.050; adding new sections to chapter 15.65 RCW; adding new sections to chapter 15.66 RCW; adding new sections to chapter 15.26 RCW; adding new sections to chapter 15.28 RCW; adding new sections to chapter 15.44 RCW; adding new sections to chapter 15.88 RCW; adding new sections to chapter 16.67 RCW; adding a new section to chapter 15.24 RCW; adding new sections to chapter 43.23 RCW; repealing RCW 15.65.030, 15.65.080, 15.65.460, 15.65.405, 15.66.020, 16.67.020, 15.44.037, 15.44.900, and 15.28.900; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Ecology.

HB 2689 by Representatives Murray, Jarrett, Anderson, Pflug, Kirby, Reardon, Ballasiotes, Ruderman, Bush, Schual-Berke, Van Luven, Nixon, Cody, Jackley, Veloria, Cairnes, Berkey, McIntire, Esser, Simpson, Conway, Cooper, Sullivan, Santos, Kenney, Edwards, Lantz, Darneille, O'Brien, Morell, Dickerson, Chase, Hurst, Lysen, Lovick, Miloscia and Schmidt

AN ACT Relating to election of board members of a regional transit authority; amending RCW 81.112.030 and 81.112.040; adding a new section to chapter 81.112 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2690 by Representatives Schual-Berke, Cody, Kirby, Upthegrove, Tokuda, Chase, Nixon, Hankins, Ogden, Hunt, Romero, Santos, Lantz, Lysen, Darneille, Simpson, Rockefeller, Kagi, McDermott and Ruderman

AN ACT Relating to emergency care for victims of sexual assault; amending RCW 70.41.020; adding new sections to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2691 by Representative Crouse

AN ACT Relating to a property owner's liability for delinquent and unpaid water and electric utility charges; and amending RCW 35.21.217.

Referred to Committee on Technology, Telecommunications & Energy.

HJM 4022 by Representatives Linville, Morris, Barlean, Schual-Berke, Kessler, Conway, Lysen, O'Brien, Benson, Schmidt, Ballasiotes, Kenney and Ericksen

Urging Canadian and United States authorities to address border issues.

Referred to Committee on Trade & Economic Development.

HJM 4023 by Representatives Morris, Barlean, Schual-Berke, Kessler, Conway, Schmidt, Lysen, Wood, Ballasiotes, O'Brien, Upthegrove, Edwards, Kenney, Anderson and Kagi

Supporting the development of an action plan for regional infrastructure security.

Referred to Committee on Select Committee on Community Security.

HCR 4423 by Representatives Cody, Campbell, Schual-Berke, Conway and Kagi

Creating the Health Care Insurance Options Working Group.

Referred to Committee on Health Care.

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

REPORTS OF STANDING COMMITTEES

January 21, 2002

HB 2302 Prime Sponsor, Representative Conway: Modifying certain application methods for unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Conway, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

January 21, 2002

HB 2303 Prime Sponsor, Representative Conway: Correcting rate class 16 in schedule B. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Conway, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

January 22, 2002

HB 2310 Prime Sponsor, Representative Jackley: Determining a "highest responsible bidder" for valuable materials on state-owned lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 22, 2002

HB 2399 Prime Sponsor, Representative Rockefeller: Modifying provisions concerning Class IV forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

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

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 24, 2002, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

TENTH DAY, JANUARY 23, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 24, 2002

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

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

MESSAGE FROM THE SENATE

January 23, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5138,
SUBSTITUTE SENATE BILL NO. 5166,
SENATE BILL NO. 5188,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207,
SUBSTITUTE SENATE BILL NO. 5283,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5488,
SUBSTITUTE SENATE BILL NO. 5543,
SUBSTITUTE SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 6037,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

INTRODUCTION & FIRST READING

HB 2692 by Representatives Sullivan, Haigh, Cooper, Delvin, Ericksen, Armstrong and Woods

AN ACT Relating to relevant market area of motorcycle dealers; amending RCW 46.94.010; and adding new sections to chapter 46.94 RCW.

Referred to Committee on Commerce & Labor.

HB 2693 by Representatives Delvin, Hankins, Grant, Mastin, Miloscia, Schual-Berke, Upthegrove and Mulliken

AN ACT Relating to sales and use tax revenue from the construction of a nuclear waste treatment and immobilization plant; adding a new section to chapter 82.32 RCW; adding a new section to chapter 70.99 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2694 by Representatives O'Brien, Ballasiotes, Schual-Berke and Morell; by request of Department of Labor & Industries

AN ACT Relating to establishing a crime victims' compensation trust account and eliminating interest on third-party settlements; amending RCW 7.68.015, 7.68.030, 7.68.050, 7.68.090, 72.09.095, 72.09.110, and 72.09.111; reenacting and amending RCW 43.79A.040; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2695 by Representatives Conway, Lysen, Wood, Kenney and Kirby

AN ACT Relating to railroad safety in Washington state; adding a new section to chapter 81.40 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2696 by Representatives Dickerson and Wood; by request of Sentencing Guidelines Commission

AN ACT Relating to a youthful offender sentencing alternative; amending RCW 9.94A.505, 9.94A.585, and 13.40.300; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Juvenile Justice & Family Law.

HB 2697 by Representatives Reardon, Anderson, Berkey, Pflug, Sullivan, Nixon, Esser, Delvin, Jarrett, Upthegrove and Simpson

AN ACT Relating to incorporating effective economic development planning into growth management planning; and amending RCW 36.70A.020 and 36.70A.070.

Referred to Committee on Local Government & Housing.

HB 2698 by Representatives Dunshee and Jarrett

AN ACT Relating to the process for election to Washington state and federal elective office; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2699 by Representatives Lantz, Ahern, Benson, Crouse, Morell, Miloscia, Schindler, Dunshee and Esser

AN ACT Relating to communications with government branches or agencies and self-regulatory organizations; and amending RCW 4.24.510.

Referred to Committee on Judiciary.

HB 2700 by Representatives Fisher, Mitchell, Simpson, Ogden, Murray, Wood and McIntire

AN ACT Relating to local transportation by authorizing the establishment of municipal street utilities to maintain streets and providing local options for funding local transportation; amending RCW 82.80.020, 82.80.010, 35.21.710, 82.36.440, and 82.38.280; adding new sections to chapter 35.77 RCW; creating a new section; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and providing an effective date.

Referred to Committee on Transportation.

HB 2701 by Representatives Wood, Schmidt, Kirby and McIntire

AN ACT Relating to pathological gambling; adding new sections to chapter 70.96A RCW; and making appropriations.

Referred to Committee on Commerce & Labor.

HB 2702 by Representatives Carrell, Lantz and Boldt

AN ACT Relating to enforcement of judgments; and amending RCW 6.17.020, 4.16.020, 4.56.200, and 6.36.025.

Referred to Committee on Judiciary.

HB 2703 by Representatives Darneille, Skinner, Cody and Wood

AN ACT Relating to the study of the effects of fluoridation of public water supplies; and creating new sections.

Referred to Committee on Health Care.

HB 2704 by Representatives Bush, Carrell, Casada, Lantz, Talcott, Kirby, Morell, O'Brien, Schoesler, Ballasiotes, Nixon, Lovick, Mielke, Rockefeller, Boldt, Hunt, Esser, Conway, Woods and Delvin

AN ACT Relating to the right to a speedy trial; and adding a new chapter to Title 10 RCW.

Referred to Committee on Judiciary.

HB 2705 by Representatives Hatfield, Mulliken, Doumit, Mielke and Buck

AN ACT Relating to studies conducted by the department of ecology; amending RCW 43.21A.130; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2706 by Representatives Edwards and Skinner

AN ACT Relating to payment rates for home and community services; and amending RCW 74.39A.030.

Referred to Committee on Health Care.

HB 2707 by Representatives Edwards, Skinner, Cody and Schual-Berke

AN ACT Relating to long-term caregiver training; and amending RCW 18.20.270.

Referred to Committee on Health Care.

HB 2708 by Representatives Edwards, Campbell and Skinner

AN ACT Relating to boarding home providers; and creating a new section.

Referred to Committee on Health Care.

HB 2709 by Representatives Romero, Upthegrove, Ogden, Cooper, Grant and McDermott

AN ACT Relating to minor party nominating conventions; amending RCW 29.24.020, 29.24.025, 29.24.030, 29.24.035, and 29.24.040; adding a new section to chapter 29.24 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

HB 2710 by Representatives Van Luven, Veloria, Esser, Tokuda, Santos, Cooper, Morell and Nixon

AN ACT Relating to the halal food consumer protection act; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2711 by Representative Sommers; by request of Department of Corrections

AN ACT Relating to sentencing of offenders; amending RCW 9.94A.525, 9.92.151, 9.94A.728, and 70.48.210; reenacting and amending RCW 9.94A.515 and 9.94A.030; prescribing penalties; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

HB 2712 by Representative Sommers; by request of Department of Corrections

AN ACT Relating to supervision of offenders; amending RCW 9.94A.545, 9.94A.631, 9.94A.637, 9.94A.650, 9.94A.690, 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, 9.94A.740, 9.94A.750, 9.94A.760, 9.92.060, 9.95.204, 9.95.210, 72.04A.090, 4.56.100, 72.65.080, and 41.06.380; reenacting and amending RCW 9.94A.753; and providing an effective date.

Referred to Committee on Judiciary.

HB 2713 by Representatives Veloria, Van Luven and Woods

AN ACT Relating to the use of hotel-motel taxes; and amending RCW 67.28.080, 67.28.1817, and 67.28.1815.

Referred to Committee on Finance.

HB 2714 by Representative Murray

AN ACT Relating to application of the consumer protection act to residential real property transfers; amending RCW 64.06.060; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2715 by Representatives Murray and Esser

AN ACT Relating to marketing funds for the state convention and trade center; and amending RCW 67.40.120.

Referred to Committee on Trade & Economic Development.

HB 2716 by Representatives Roach, Upthegrove, Romero, Morell, Mulliken, Woods and Pflug

AN ACT Relating to requiring cost and benefit assessments early in the rule-making process; and amending RCW 34.05.320.

Referred to Committee on State Government.

HB 2717 by Representatives Miloscia, Romero, Grant, Gombosky, Simpson, McIntire, Reardon, Cooper, Conway, Murray, Darneille and McDermott

AN ACT Relating to financial disclosure by ballot measure sponsors; and amending RCW 42.17.240.

Referred to Committee on State Government.

HB 2718 by Representatives Hurst, Esser, Lantz, Delvin, Lovick, O'Brien, Ruderman, Kirby, Simpson, Darneille, Anderson, Haigh, McIntire, Pflug and Nixon

AN ACT Relating to protection of personal information about law enforcement officers and their families; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2719 by Representative Fisher; by request of Governor Locke

AN ACT Relating to transportation financing; amending RCW 46.16.0621, 46.16.070, 46.68.035, 46.16.071, 82.08.020, 82.12.020, 82.12.045, 82.38.030, 82.38.035, 82.38.045, 82.38.047, and 82.38.075; reenacting and amending RCW 46.68.090 and 82.36.025; adding a new section to chapter 46.04 RCW; and providing an effective date.

Held on First Reading.

HB 2720 by Representatives Quall and Haigh; by request of State Board of Education

AN ACT Relating to balanced student achievement calendar planning grants; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2721 by Representatives Reardon, Cairnes, Berkey, Roach and Pflug

AN ACT Relating to a business and occupation tax exemption for health care services provided by certain health care providers; adding a new section to chapter 82.04 RCW; and providing an effective date.

Held on First Reading.

SB 5138 by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

AN ACT Relating to vehicles exempt from stopping at weighing stations; and amending RCW 46.44.105.

Referred to Committee on Transportation.

SSB 5166 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Horn, Shin, Jacobsen and McAuliffe)

AN ACT Relating to branches of member institutions of accrediting associations recognized by rule of the higher education coordinating board; and amending RCW 28B.10.802 and 28B.12.030.

Referred to Committee on Higher Education.

SB 5188 by Senator McCaslin

AN ACT Relating to surplus political funds; and amending RCW 42.17.095.

Referred to Committee on State Government.

ESSB 5207 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles)

AN ACT Relating to individually identifiable DNA testing information; amending RCW 70.02.010 and 70.83.050; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

SSB 5283 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin and Kohl-Welles)

AN ACT Relating to discriminatory use of DNA in employment matters; and amending RCW 49.60.030.

Referred to Committee on Judiciary.

ESSB 5488 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, T. Sheldon and Winsley)

AN ACT Relating to special license plates; amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 5543 by Senate Committee on Education (originally sponsored by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley; by request of Governor Locke and Superintendent of Public Instruction)

AN ACT Relating to school safety; amending RCW 28A.305.130; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SSB 5552 by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Hale, B. Sheldon, Hewitt, Sheahan, Shin, Zarelli, Parlette and Horn)

AN ACT Relating to border county higher education opportunities; amending RCW 28B.80.805, 28B.80.806, and 28B.15.0139; repealing 1999 c 320 s 6 (uncodified); and repealing 2000 c 160 s 4 (uncodified).

Referred to Committee on Higher Education.

SSB 6037 by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Prentice, Kohl-Welles and Parlette)

AN ACT Relating to authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services; and adding new sections to chapter 18.92 RCW.

Referred to Committee on Agriculture & Ecology.

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

REPORTS OF STANDING COMMITTEES

January 22, 2002

HB 1470 Prime Sponsor, Representative Cairnes: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 2, line 4, after "library." insert the following: "However, if a county wishes to impose such a surcharge on superior court fees and has previously increased the contribution from those fees to an amount above twelve dollars, the county may not reduce the amount of that contribution before or after imposing the surcharge."

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt and Esser.

Voting yea: Representatives Lantz, Hurst, Dickerson, Jarrett, Lovick and Lysen.

Voting nay: Representatives Carrell, Boldt and Esser.

Passed to Committee on Rules for second reading.

January 22, 2002

HB 2299 Prime Sponsor, Representative Esser: Defining person under the business corporation act, uniform limited partnership act, and limited liability company act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Dickerson; Esser; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

January 22, 2002

HB 2300 Prime Sponsor, Representative Lantz: Updating creditor/debtor personal property exemptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member; Boldt.

Voting yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

January 22, 2002

HB 2301 Prime Sponsor, Representatives Lantz: Authorizing electronic notice and other communications under the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

January 22, 2002

HB 2308 Prime Sponsor, Representative Linville: Encouraging recycling and waste reduction. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Referred to Committee on Appropriations.

January 22, 2002

HB 2313 Prime Sponsor, Representative Lantz: Allowing electronic filing and registration for charities, corporations, and partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

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

There being no objection, House Bill No. 2299 was placed on the Second Reading calendar.

EIGHTH ORDER

There being no objection, the Rules Committee was relieved of the following bills and the bills were placed on the Second Reading calendar:

House Bill No. 1189,
Second Substitute House Bill No. 1260,
House Bill No. 2302,
House Bill No. 2303,
House Bill No. 2310,
House Bill No. 2399,

There being no objection, the Rules Committee was relieved of House Bill No. 1179 and the bill was placed on the Third Reading calendar:

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

There being no objection, the House adjourned until 10:00 a.m., January 25, 2002, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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1189 Other Action 9
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2693 Introduction & 1st Reading 1
2694 Introduction & 1st Reading 1
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5166-S Introduction & 1st Reading 6
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JOURNAL OF THE HOUSE

ELEVENTH DAY, JANUARY 24, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 25, 2002

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

The Speaker assumed the chair.

The flag was escorted to the rostrum by the Color Guard of the Washington Army National Guard. Prayer was offered by Chaplain Jerry Pryor.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4683, by Representatives Schmidt, Benson, Haigh, Casada, Miloscia, Schindler, McMorris, Cairnes, McDermott, Woods, Ahern, Talcott, Alexander, Dunn, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Chase, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria and Wood

WHEREAS, Nearly seven thousand eight hundred men and women of the Washington National Guard continue to serve the country as Guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness who reside in every legislative district throughout Washington volunteer their time and personal efforts to serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard has again answered the state's call numerous times in the last year in response to fire fighting support efforts threatening thousands of acres of public and private lands, and in protecting lives in both civil and natural emergencies and disasters; and

WHEREAS, The Washington National Guard is providing additional security at out state's airports, and at numerous locations across the globe in response to the horrific terrorist attacks on our Nation this last September 11th; and

WHEREAS, The Washington National Guard continues its promoting of positive lifestyles and activities for Washington's youth through involvement and support in highly effective drug prevention programs with school-aged children and community-based organizations; and

WHEREAS, The Washington National Guard continues an active participation in the state's counter drug efforts by providing soldiers, airmen, and specialized equipment in support of seventy local, state, and federal law enforcement agencies. The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and

WHEREAS, The Washington National Guard adds value to communities by opening armories for public use for distance learning classes, food banks, and other community and youth activities. The Washington National Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support without which the Washington National Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives specifically and particularly recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, and well-equipped and trained Guard units and the readiness center/armories that house them; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the Army and Air Force, and the President of the United States.

Representative Schmidt moved the adoption of the resolution.

Representatives Schmidt, Haigh, Benson, Miloscia, Woods, Conway, Carroll, Cooper, Talcott and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 4683 was adopted.

The Speaker introduced Major General Timothy Lowenberg who addressed the Chamber.

HOUSE RESOLUTION NO. 2002-4685, by Representatives Morell, Casada, Roach, Bush, Hankins, Skinner, Mitchell and Ballasiotes

WHEREAS, The Puyallup Rose Society is one of almost 400 local chapters and affiliates of the American Rose Society, an educational nonprofit national organization, with a membership over 24,000 people, dedicated exclusively to the cultivation and enjoyment of roses; and

WHEREAS, The Puyallup Rose Society, formed only a decade ago and considered a relative newcomer as a society, has grown to achieve a membership of more than 300 members, 80 to 100 of whom attend every meeting making it a model for the modern rose society; and

WHEREAS, The Puyallup Rose Society members are home gardeners who enjoy growing roses, want to expand their knowledge of rose culture, and will travel from well outside the Puyallup area to be members of The Puyallup Rose Society; and

WHEREAS, The Puyallup Rose Society hosts three annual Rose Shows at the Puyallup Fair in downtown Puyallup, Washington; and

WHEREAS, The Puyallup Rose Society has an annual exhibition at the Supermall in Auburn, Washington, that is as large as the largest rose shows in the nation; and

WHEREAS, The Puyallup Rose Society voluntarily plants gardens like the one at The Old Soldiers' Home in Orting, Washington, and participates in many public information activities throughout the Pacific Northwest; and

WHEREAS, The Puyallup Rose Society, one of the most active rose societies in the nation, has determined to bring attention to the existence of the American Rose Society and its declaration that the year 2002 be established as The Year of the Rose;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made over the past ten years to our state

by the Puyallup Rose Society of Puyallup, Washington, affiliated with the American Rose Society, during this The Year of the Rose; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Officers of the 2002 Puyallup Rose Society.

Representative Morell moved the adoption of the resolution.

Representatives Morell and Casada spoke in favor of the adoption of the resolution.

House Resolution No. 4685 was adopted.

INTRODUCTION & FIRST READING

HB 2719 by Representatives Fisher, Edwards and Dickerson; by request of Governor Locke

AN ACT Relating to transportation financing; amending RCW 46.16.0621, 46.16.070, 46.68.035, 46.16.071, 82.08.020, 82.12.020, 82.12.045, 82.38.030, 82.38.035, 82.38.045, 82.38.047, and 82.38.075; reenacting and amending RCW 46.68.090 and 82.36.025; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2720 Representatives Quall and Haigh; by request of State Board of Education

AN ACT Relating to balanced student achievement calendar planning grants; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 2721 by Representatives Reardon, Cairnes, Berkey, Roach, Pflug, Morris, O'Brien, Linville, Schmidt, Morell, Benson, Mulliken, Holmquist, Clements, McMorris, Bush, Talcott, Nixon and Schual-Berke

AN ACT Relating to a business and occupation tax exemption for health care services provided by certain health care providers; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2722 by Representatives McDermott, Ericksen, Rockefeller, Sump, Murray, Kenney, Doumit, Morell, Linville, Upthegrove, Edwards, Jackley, Chase, Schmidt, Benson, Clements, Pflug, Bush and Talcott

AN ACT Relating to barriers to fish passage; amending RCW 77.55.040, 77.55.070, 77.55.060, and 77.55.080; creating a new section; and repealing RCW 77.55.310 and 77.55.320.

Referred to Committee on Natural Resources.

HB 2723 by Representatives Ogden, Rockefeller, Lantz, Jackley, Eickmeyer, Haigh and Chase

AN ACT Relating to modifying the Public-Private Transportation Initiatives Act by authorizing state financing and administration of toll facilities; amending RCW 47.56.010, 47.46.030, 47.46.040, 47.46.050, 47.46.060, 47.56.030, 47.56.270, 47.56.271, 39.46.070, and 47.56.245; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.46 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 2724 by Representatives Ericksen, Schmidt, Benson, McMorris, Pflug, Bush and Nixon

AN ACT Relating to residences located on real property owned by churches; amending RCW 84.36.020; and creating a new section.

Referred to Committee on Finance.

HB 2725 by Representatives Upthegrove, Ericksen, O'Brien, McDermott, Edwards, Ogden, Chase, Haigh, Schual-Berke and Wood

AN ACT Relating to housing finance; amending RCW 43.180.240 and 43.33A.080; and adding a new section to chapter 43.180 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2726 by Representatives Carrell, Mielke, Roach, Talcott and Morell

AN ACT Relating to sales tax revenue equalization; and amending RCW 82.14.200 and 82.14.210.

Referred to Committee on Appropriations.

HB 2727 by Representative Dunshee

AN ACT Relating to sidewalk requirements for subdivisions; and amending RCW 58.17.110.

Referred to Committee on Local Government & Housing.

HB 2728 by Representatives Ogden, Schmidt, Edwards and O'Brien; by request of Secretary of State

AN ACT Relating to the primary election process; and creating a new section.

Referred to Committee on State Government.

HB 2729 by Representatives Lovick, Cairnes, Dickerson, Hurst, Campbell, Simpson, Edwards and O'Brien

AN ACT Relating to vacation of records of conviction for presentencing reform act felony offenses; and amending RCW 9.95.240 and 9.92.066.

Referred to Committee on Judiciary.

HB 2730 by Representatives Clements, Van Luven, Chandler, Holmquist, Schindler, O'Brien, Mulliken, Ahern, Benson, McMorris, Cox, Pflug, Lisk, Schoesler, Boldt, Mielke and Nixon

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

HB 2731 by Representatives Veloria, Gombosky, Dunshee and Chase

AN ACT Relating to the evaluation of tax preferences; and amending RCW 43.136.010.

Referred to Committee on Finance.

HB 2732 by Representatives Gombosky, Cairnes, Berkey, Nixon, Morris, Armstrong, Esser, Fromhold, Ogden, Conway, Hunt, Van Luven, Veloria, Romero, Reardon, Edwards, Chase, Morell, Santos, Kenney and Wood

AN ACT Relating to the tax treatment of revenue from federal or state subsidized health care; amending RCW 82.04.4297; adding a new section to chapter 82.04 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Finance.

HB 2733 by Representatives Haigh, Cox, Schual-Berke, Jarrett, Hunt, Santos, Rockefeller, Fromhold, Quall, Edwards, Ogden, Morris, Chase, Uptegrove and Linville

AN ACT Relating to school funding review; and creating a new section.

Referred to Committee on Education.

HB 2734 by Representatives Hankins, Grant, Delvin, Schoesler, Armstrong, Hatfield, Esser, Ruderman, Woods, Mitchell, Alexander, Anderson, Talcott and Schual-Berke

AN ACT Relating to support for school science education; amending RCW 28A.655.130 and 70.105D.070; and providing an effective date.

Referred to Committee on Education.

HB 2735 by Representatives Romero, Doumit, Linville, Rockefeller, Edwards, Ogden, Dickerson, Jackley, Grant, O'Brien, Uptegrove, Conway and Kenney

AN ACT Relating to establishing the joint task force on permit streamlining; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on State Government.

HB 2736 by Representatives Murray, Esser, McIntire, Lantz, Jarrett, Ogden, Lysen, Chase, Haigh and Kenney; by request of University of Washington

AN ACT Relating to research by state universities; amending RCW 28B.10.022 and 39.94.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Capital Budget.

HB 2737 by Representatives Romero and Chase

AN ACT Relating to requests by employees to withhold or divert wages for political contributions; and amending RCW 42.17.680.

Referred to Committee on State Government.

HB 2738 by Representatives Nixon, Bush, Roach, Van Luven, Schmidt, Esser, Mitchell, Chandler, Mulliken, Benson, Clements, Pflug, Lisk and Talcott

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding a new section to chapter 47.38 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2739 by Representatives Nixon, Mulliken and Benson

AN ACT Relating to sales and use tax exemptions for medical equipment; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Finance.

HB 2740 by Representatives Nixon, Esser, Schoesler, Chandler, Holmquist, Mulliken, Benson and Pearson

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

Referred to Committee on State Government.

HB 2741 by Representatives Nixon, Bush, DeBolt, Morell, Crouse, Esser, Van Luven, Schmidt, Delvin, Pflug, Casada, Roach, Schoesler, Anderson, Benson and Pearson

AN ACT Relating to the revocation of juvenile driving privileges; amending RCW 9A.56.030, 9A.56.040, and 9A.56.070; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Juvenile Justice & Family Law.

HB 2742 by Representatives Nixon, Jarrett, Crouse and Benson

AN ACT Relating to paper size of initiative and referendum petitions; and amending RCW 29.79.080.

Referred to Committee on State Government.

HB 2743 by Representatives Nixon, Schmidt, Esser, Jarrett, Crouse, Bush, Morell and Benson

AN ACT Relating to allowing the use of agricultural lands not currently being farmed as sites for recreational activities; and amending RCW 36.70A.060 and 36.70A.177.

Referred to Committee on Local Government & Housing.

HB 2744 by Representatives Murray, Esser, Lantz, Hankins, Ogden, Woods, Hunt, Ballasiotes, O'Brien, Veloria, Lovick, Reardon, Edwards, Dickerson, Jackley, Lysen, Chase, Upthegrove, Conway and Santos

AN ACT Relating to capital projects for local nonprofit youth organizations; adding a new section to chapter 43.63A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2745 by Representatives Schual-Berke, McDermott, Miloscia, Upthegrove, Lysen, Veloria, Kessler, Chase and Santos

AN ACT Relating to creating the Washington state public facilities siting council; amending RCW 36.70A.200; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Transportation.

HB 2746 by Representatives Ruderman, Van Luven, Miloscia, Esser, Edwards, Reardon, Murray, Sullivan, Bush, Nixon, Lovick, Jackley, Jarrett, Kenney, Chase, Simpson, Dickerson, Tokuda, Schual-Berke, Morris, Upthegrove, Linville and Morell

AN ACT Relating to motor vehicle fuel tax revenues attributable to certain counties to be spent within those counties; adding new sections to chapter 82.36 RCW; adding a new section to chapter 46.68 RCW; and providing an expiration date.

Referred to Committee on Transportation.

HB 2747 by Representatives McDermott, Romero, Schmidt, Upthegrove, Miloscia, Kagi, Dickerson, Dunshee, Edwards, Ogden, Morris, Lysen, Chase, Linville, Conway, Santos and Kenney

AN ACT Relating to fiscal information on ballot measures; amending RCW 29.81.240, 29.81.250, 29.81.280, 29.81.290, and 29.81.310; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 2748 by Representatives Schual-Berke and Anderson

AN ACT Relating to monitoring programs for the education of highly capable students; and adding a new section to chapter 28A.185 RCW.

Referred to Committee on Education.

HB 2749 by Representatives Morell, Cox, Kenney, Anderson, Talcott, Kirby, Skinner, Veloria, Jarrett, Casada, Nixon, Roach, Schindler, McDermott, Ahern, Ericksen, Chase, Mulliken and Darneille

AN ACT Relating to tuition waivers for certificated instructional staff; amending RCW 28B.15.910; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 2750 by Representatives Gombosky, Nixon, Wood, Ballasiotes, Conway, Veloria, Ogden, Chase, Berkey, Skinner and Edwards

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes; amending RCW 84.36.060; and creating new sections.

Referred to Committee on Finance.

HB 2751 by Representatives Dunshee, Mulliken and Berkey

AN ACT Relating to the residential real property seller disclosure statement; and amending RCW 64.06.020.

Referred to Committee on Local Government & Housing.

HB 2752 by Representatives Grant, Schoesler, Clements, Hatfield, Chandler, Doumit, Edwards, O'Brien, McMorris and Lisk

AN ACT Relating to agricultural laborers who are paid on a piece rate basis; and amending RCW 49.46.010.

Referred to Committee on Commerce & Labor.

HB 2753 by Representatives Hatfield, Hankins, Schindler, Cooper, Rockefeller and Edwards

AN ACT Relating to department of licensing agents or subagents; and amending RCW 46.12.070, 46.80.090, and 46.55.100.

Referred to Committee on Transportation.

HJM 4024 by Representatives Dunshee, Edwards, Jackley and Schmidt

Requesting State Route 99 be named the William P. Stewart Memorial Highway.

Referred to Committee on Transportation.

HJM 4025 by Representatives Schindler, Ahern, Cox, Boldt, Mielke, Sump, Pearson, Nixon, Mulliken, Campbell, Benson, Morell, Talcott, Sehlin, Crouse, Buck, Holmquist, Esser, Schmidt, Ericksen, Haigh, Bush, Alexander, Anderson, Hankins, Lisk, Dunshee, Fisher, Mitchell, Woods, Armstrong, Grant, Santos, Hatfield, Wood, O'Brien, McDermott, Upthegrove, Jackley, Lysen, Kagi, Gombosky, Tokuda, Veloria, Kenney, Conway, Cody, Dickerson, Lantz, Fromhold, Berkey, Edwards, Chase, Lovick, Schual-Berke, Murray, Barlean, Jarrett, Cooper, Rockefeller, Simpson, Sullivan, Skinner, Eickmeyer, Ogden, Morris, Linville, Dunn and Darneille

Requesting that Congress modify IDEA to allow parent choice for assessment and treatment.

Referred to Committee on Children & Family Services.

There being no objection, the bills and memorials listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 2730.

Representative DeBolt moved that the rules were suspended, and that House Bill No. 2730 be placed on Second Reading.

Representative DeBolt spoke in favor of the procedural motion to suspend the rules and place the bill on Second Reading.

Representative Kessler spoke against the procedural motion to suspend the rules and place the bill on Second Reading.

MOTION

On motion of Representative Santos, Representative McIntire was excused. On motion of Representative Woods, Representative Sump was excused.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of the procedural motion by Representative DeBolt to suspend the rules and place House Bill No. 2730 on Second Reading.

ROLL CALL

The Clerk called the roll on the adoption of the procedural motion to suspend the rules and to place House Bill No. 2730 on Second Reading, and the motion failed by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 50.

Excused: Representatives McIntire, and Sump - 2.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on the motion by Representative DeBolt to suspend the rules and place House Bill No. 2730 on Second Reading.

SHIRLEY HANKINS, 8th District

There being no objection, House Bill No. 2730 was referred to Committee on Commerce & Labor.

REPORTS OF STANDING COMMITTEES

January 23, 2002
HB 2060 Prime Sponsor, Representative Dunn: Providing funds for housing projects. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken, Ranking Minority Member; Crouse.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Excused: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Finance.

January 23, 2002
HB 2317 Prime Sponsor, Representative Cooper: Making technical changes to Title 48 RCW. Reported by Committee on Financial Institutions & Insurance

MAJORITY Recommendation: Do pass. Signed by Representatives Cooper, Chair; McIntire, Vice Chair; Benson; Barlean; Cairnes; Hatfield; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Hatfield, Miloscia, Roach, Santos and Simpson.

Excused: Representatives Barlean, Cairnes and Mielke.

Passed to Committee on Rules for second reading.

January 23, 2002

HB 2341 Prime Sponsor, Representative Eickmeyer: Attempting to control damage to crops caused by wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Jackley, McDermott, Orcutt, Pearson and Upthegrove.
Excused: Representative Ericksen

Passed to Committee on Rules for second reading.

January 23, 2002

HB 2375 Prime Sponsor, Rockefeller: Requiring a public hearing prior to transfer or disposal of trust land. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Jackley, McDermott, Orcutt, Pearson and Upthegrove.
Excused: Representative Ericksen.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2425 Prime Sponsor, Doumit: Funding the community economic revitalization board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Van Luven.
Excused: Representative Mulliken.

Referred to Committee on Capital Budget.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 28, 2002, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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HOUSE OF REPRESENTATIVES

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JOURNAL OF THE HOUSE

TWELFTH DAY, JANUARY 25, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY, JANUARY 28, 2002

House Chamber, Olympia, Monday, January 28, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amber Pelesky and Justin Bailey. The Speaker (Representative Ogden presiding) led the chamber in the Pledge of Allegiance. Prayer was offered by Lorie Harmon of Olympia, who served as a teaching leader for Bible Study Fellowship in Tanzania.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4687, by Representatives Hunt, Doumit, Schoesler, Benson, Sump, Esser, Pearson, Schindler, Clements, Boldt, Buck, Mitchell, Jackley, Ogden, Wood, Alexander, Cox, Dunn, Ahern, Jarrett, Mulliken, Bush, Roach, Armstrong, Sehlin, Conway, Grant, Hankins, Hatfield, Ballasiotes and Talcott

WHEREAS, The Washington State University Cougars' football team, under the leadership of Coach Mike Price, finished the 2001 season with a 10-2 record; and

WHEREAS, The Cougars were nationally ranked 10th in the final Associated Press football poll and 11th in the ESPN-USA Today final poll; and

WHEREAS, WSU had more players named to the PAC 10 All-Academic first and second teams than any other team in the conference; and

WHEREAS, Mike Price was named 2001 PAC 10 Coach of the Year; and

WHEREAS, The Cougars defeated the Purdue Boilermakers 33-27 in the 2001 Sun Bowl in El Paso, Texas; and

WHEREAS, Defensive back Lamont Thompson was selected to the Associated Press All-American first team, was a semifinalist for the Jim Thorpe defensive back of the year award, and was the Sun Bowl's most valuable player; and

WHEREAS, Place kicker Drew Dunning was named Sun Bowl special teams player of the game; and

WHEREAS, Quarterback Jason Gesser was a semifinalist for the Davey O'Brien quarterback of the year award, and wide receiver Nakoa McElrath was a semifinalist for the Fred Biletnikoff wide receiver of the year award; and

WHEREAS, WSU players Billy Newman, Jeremy Thielbahr, Joey Hollenbeck, Tupo Tuupo, James Price, Raonall Smith, Alan Cox, Lamont Thompson, and Nakoa McElrath were selected to participate in postseason all star games; and

WHEREAS, Coach Mike Price won the Eddie Robinson National Coach of the Year Award in 1997 and was one of three finalists for the award in 2001; and

WHEREAS, WSU is one of only three PAC 10 universities to have two 10 win seasons in the past five years; and

WHEREAS, Coach Mike Price, WSU coach since 1989 and dean of PAC 10 coaches, requires his players to be team members, students, and community leaders; and

WHEREAS, Only five Division 1-A NCAA coaches in the nation have been at their respective schools longer than Mike Price;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the 2001 Washington State University Cougar football team for its outstanding season; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives congratulate WSU Coach Mike Price for his many coaching successes and for the excellent leadership he provides to WSU's student athletes; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to WSU Coach Mike Price, WSU President Lane Rawlings, WSU Athletic Director Jim Sterk, and the captains of the 2001 WSU Cougar football team.

Representative Hunt moved the adoption of the resolution.

Representatives Hunt, Cox and Schoesler spoke in favor of the adoption of the resolution.

House Resolution No. 4687 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced Washington State University Head Coach, Mike Price who addressed the Chamber.

The Speaker (Representative Ogden presiding) introduced WSU alumni Sam Reed, State Treasurer and Mike Murphy, State Treasurer.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

January 26, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5097,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

January 26, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"PART I
ESTABLISHMENT OF TRANSPORTATION
PERFORMANCE MEASURES

NEW SECTION. Sec. 101. LEGISLATIVE INTENT. It is the intent of the legislature to establish policy goals for the operation, performance of, and investment in, the state's transportation system. The policy goals shall consist of, but not be limited to, the following benchmark categories, adopted by the state's Blue Ribbon Commission on Transportation on November 30, 2000. In addition to improving safety, public investments in transportation shall support achievement of these and other priority goals:

No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.

These policy goals shall be the basis for establishment of detailed and measurable performance benchmarks.

It is the intent of the legislature that the transportation commission establish performance measures to ensure transportation system performance at local, regional, and state government levels, and the transportation commission should work with appropriate government entities to accomplish this.

NEW SECTION. Sec. 102. Section 101 of this act takes effect July 1, 2002.

PART II
ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES

NEW SECTION. Sec. 201. The legislature finds that there is a pressing need for additional transportation projects to meet the mobility needs of Washington citizens. With major new investments approved to meet these pressing needs, additional work force assistance is necessary to ensure and enhance project delivery timelines. Recruiting and retaining a high quality work force, and implementing new and innovative procedures for delivering these transportation projects is required to accomplish them on a timely basis that best serves the public. It is the intent of sections 203 and 204 of this act that no state employees will lose their employment as a result of implementing new and innovative project delivery procedures.

NEW SECTION. Sec. 202. A new section is added to chapter 47.28 RCW to read as follows: The definitions in this section apply throughout section 203 of this act and RCW 41.06.380 unless the context clearly requires otherwise.

(1) "Construction services" means those services that aid in the delivery of the highway construction program and include, but are not limited to, real estate services and construction engineering services.

(2) "Construction engineering services" includes, but is not limited to, construction management, construction administration, materials testing, materials documentation, contractor payments and general administration, construction oversight, and inspection and surveying.

NEW SECTION. Sec. 203. A new section is added to chapter 47.28 RCW to read as follows:

(1) The department of transportation shall work with representatives of transportation labor groups to develop a financial incentive program to aid in retention and recruitment of employee classifications where problems exist and program delivery is negatively affected. The department's financial incentive program must be reviewed and approved by the legislature before it can be implemented. This program must support the goal of enhancing project delivery timelines as outlined in section 201 of this act. Upon receiving approval from the legislature, the department of personnel shall implement, as required, specific aspects of the financial incentive package, as developed by the department of transportation.

(2) Notwithstanding chapter 41.06 RCW, the department of transportation may acquire services from qualified private firms in order to deliver the transportation construction program to the public. Services may be acquired solely for augmenting the department's work force capacity and only when the department's transportation construction program cannot be delivered through its existing or readily available work force. The department of transportation shall work with representatives of transportation labor groups to develop and implement a program identifying those projects requiring contracted services while establishing a program as defined in subsection (1) of this section to provide the classified personnel necessary to deliver future construction programs. The procedures for acquiring construction engineering services from private firms may not be used to displace existing state employees nor diminish the number of existing classified positions in the present construction program. The acquisition procedures must be in accordance with chapter 39.80 RCW.

(3) Starting in December 2003, and biennially thereafter, the secretary shall report to the transportation committees of the legislature on the use of construction engineering services from private firms authorized under this section. The information provided to the committees must include an assessment of the benefits and costs associated with using construction engineering services, or other services, from private firms, and a comparison of public versus private sector costs. The secretary is authorized to act on these findings to ensure the most cost-effective means of service delivery.

Sec. 204. RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) Nothing contained in this chapter prohibits the department of transportation from purchasing construction services or construction engineering services, as those terms are defined in section 202 of this act, by contract from qualified private businesses as specified in section 203(2) of this act.

NEW SECTION. Sec. 205. Sections 201 through 204 of this act and RCW 41.06.380(2) are null and void if new transportation revenues do not become law by January 1, 2003. Sections 201 through 204 of this act and RCW 41.06.380(2) are effective only for the period consistent with the new transportation revenues, after which time these provisions will expire.

PART III APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

NEW SECTION. Sec. 301. (1) The legislature finds that a skilled technical work force is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a work force that is insufficiently skilled to operate the transportation system at its highest level. Sections 301 through 308 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.

(4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 301 through 308 of this act;

(d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;

(e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program.

NEW SECTION. Sec. 302. A new section is added to chapter 49.04 RCW to read as follows:
The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and statewide joint apprenticeships, other apprenticeship programs, representatives of labor and business organizations with interest and expertise in the transportation work force, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

NEW SECTION. Sec. 303. A new section is added to chapter 47.01 RCW to read as follows:
The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of

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

NEW SECTION. Sec. 304. A new section is added to chapter 47.06 RCW to read as follows:
The state-interest component of the statewide multimodal transportation plan must include a plan for enhancing the skills of the existing technical transportation work force.

NEW SECTION. Sec. 305. The department of labor and industries, in cooperation with the department of transportation, shall conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations and stratified random sampling survey methods. A final report must be submitted to the governor and the transportation and labor committees of the senate and house of representatives by December 1, 2002.

NEW SECTION. Sec. 306. A new section is added to chapter 39.12 RCW to read as follows:
(1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department may be used only in the county for which the work was performed.

(2) This section only applies to prevailing wage surveys initiated on or after August 1, 2002.

Sec. 307. RCW 39.12.070 and 1993 c 404 s 1 are each amended to read as follows:

The department of labor and industries may charge fees to awarding agencies on public works for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid. The department may also charge fees to persons or organizations requesting the arbitration of disputes under RCW 39.12.060. The amount of the fees shall be established by rules adopted by the department under the procedures in the administrative procedure act, chapter 34.05 RCW. The fees shall apply to all approvals, certifications, and arbitration requests made after the effective date of the rules. All fees shall be deposited in the public works administration account. ~~((On the fifteenth day of the first month of each quarterly period, an amount equaling thirty percent of the revenues received into the public works administration account shall be transferred into the general fund.))~~ The department may refuse to arbitrate for contractors, subcontractors, persons, or organizations which have not paid the proper fees. The department may, if necessary, request the attorney general to take legal action to collect delinquent fees.

The department shall set the fees permitted by this section at a level that generates revenue that is as near as practicable to the amount of the appropriation to administer this chapter, including, but not limited to, the performance of adequate wage surveys, and to investigate and enforce all alleged violations of this chapter, including, but not limited to, incorrect statements of intent to pay prevailing wage, incorrect certificates of affidavits of wages paid, and wage claims, as provided for in this chapter and chapters 49.48 and 49.52 RCW. However, the fees charged for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid shall be no greater than twenty-five dollars.

Sec. 308. RCW 39.12.080 and 2001 c 219 s 3 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the account ~~((, not including moneys transferred to the general fund pursuant to RCW 39.12.070,))~~ may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW.

NEW SECTION. Sec. 309. Sections 301 through 308 and 310 of this act are null and void if new transportation revenues do not become law by January 1, 2003.

NEW SECTION. Sec. 310. The sum of nine hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the public works administration account to the department of labor and industries for the biennium ending June 30, 2003, to carry out the purposes of sections 306 through 308 of this act.

PART IV TRANSPORTATION PLANNING AND EFFICIENCY

Sec. 401. RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits ~~((and which))~~ that are systematically scheduled to carry out defined objectives within available revenue. The state must develop analytic tools to use a common methodology to measure benefits and costs for all modes.

The priority programming system ~~((shall))~~ must ensure preservation of the existing state highway system, relieve congestion, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system ~~((shall))~~ must implement the state-owned highway component of the statewide ~~((multimodal))~~ transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions ~~((which))~~ that address identified state highway system deficiencies.

The priority programming system for improvements ~~((shall))~~ must incorporate a broad range of solutions that are identified in the statewide ~~((multimodal))~~ transportation plan as appropriate to address state highway system deficiencies, including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 402. RCW 47.05.030 and 1998 c 171 s 6 are each amended to read as follows:

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. ~~((needs))~~ analysis process ~~((shall))~~ must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program ~~((shall))~~ must be revised biennially, effective on July 1st of odd-numbered years. The investment program ~~((shall))~~ must be based upon the needs identified in the state-owned highway component of the statewide ~~((multimodal))~~ transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program ~~((shall))~~ consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation ~~((shall))~~ must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program ~~((shall))~~ consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve

~~((mobility,))~~ safety, support for the economy, and protection of the environment. The six-year investment program for improvements ~~((shall))~~ must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

Sec. 403. RCW 47.05.035 and 1993 c 490 s 4 are each amended to read as follows:

(1) The department and the commission shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department and the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

~~((1))~~ (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

~~((2))~~ (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

~~((3))~~ (c) The continuity of future transportation development with those improvements previously programmed; and

~~((4))~~ (d) The availability of dedicated funds for a specific type of work.

Sec. 404. RCW 47.06.130 and 1993 c 446 s 13 are each amended to read as follows:

(1) The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.

(2) The department shall conduct multimodal corridor analyses on major congested corridors where needed improvements are likely to cost in excess of one hundred million dollars. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies. A long-term view of corridors must be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. To the extent practicable, full costs of all strategies must be reflected in the analysis. At a minimum, this analysis must include:

(a) The current and projected future demand for total person trips on that corridor;

(b) The impact of making no improvements to that corridor;

(c) The daily cost per added person served for each mode or improvement proposed to meet demand;

(d) The cost per hour of travel time saved per day for each mode or improvement proposed to meet demand; and

(e) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

The end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

NEW SECTION. Sec. 405. The legislature intends that funding for transportation mobility improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

Sec. 406. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

~~((1+))~~ (a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((+))~~ (i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed upon highways and bridges;
and

~~((e))~~ (iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

~~((2))~~ (b) Priority programming for the improvement program (~~shall take into account~~) must be based primarily upon the following:

~~((+))~~ (i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

~~((b))~~ (ii) The cost-effective movement of people and goods;

~~((e))~~ (iii) Accident and accident risk reduction;

~~((d))~~ (iv) Protection of the state's natural environment;

~~((e))~~ (v) Continuity and systematic development of the highway transportation network;

~~((f))~~ (vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

~~((g))~~ (vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((h))~~ (viii) Public views concerning proposed improvements;

~~((i))~~ (ix) The conservation of energy resources;

~~((j))~~ (x) Feasibility of financing the full proposed improvement;

~~((k))~~ (xi) Commitments established in previous legislative sessions;

~~((l))~~ (xii) Relative costs and benefits of candidate programs;

~~((m))~~ (d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding(~~;~~ ~~and~~).

~~((n))~~ (e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank

and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((3))~~ (2) The commission may depart from the priority programming established under subsection ~~(s)~~ (1) ~~(and (2))~~ of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

~~((4))~~ (3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

NEW SECTION. Sec. 407. The department of transportation shall report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2003, and December 1, 2005.

NEW SECTION. Sec. 408. The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Sec. 409. RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits, may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 410. A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 411. A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 412. A new section is added to chapter 46.68 RCW to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the

total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

Sec. 413. RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

~~((e))~~ (d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

~~((d))~~ (e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, ~~((and))~~ develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 414. RCW 47.06.090 and 1993 c 446 s 9 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

For purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 415. A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 416. A new section is added to chapter 36.78 RCW to read as follows:

The board shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

NEW SECTION. Sec. 417. Sections 401 through 404 of this act take effect July 1, 2002.

NEW SECTION. Sec. 418. Sections 409 through 412, 415, and 416 of this act are null and void if new transportation revenues do not become law by January 1, 2003.

NEW SECTION. Sec. 419. Captions and part headings used in this act are not part of the law.

NEW SECTION. Sec. 420. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 41.06.380, 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130, 47.05.051, 35.84.060, 47.06.050, and 47.06.090; adding new sections to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; making an appropriation; and providing effective dates."

and the same is herewith transmitted.

Tony M. Cook, Secretary

Representative Fisher moved the House concur in the Senate amendment(s) to Engrossed Substitute House Bill No. 2304 and advance the bill as amended by the Senate to final passage.

Representatives Fisher, Mitchell, Cooper and Kessler spoke in favor of the motion to concur in the Senate amendments and advanced the bill as amended by the Senate to final passage.

Representatives DeBolt, Ericksen, Mastin and Pflug spoke against the motion to concur in the Senate amendments and advance the bill to final passage.

The motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 2304, and to advance the bill as amended by the Senate to final passage was adopted.

MOTION

On motion of Representative Woods, Representatives Campbell, Delvin and Mulligan were excused.

Representatives Fisher, Mitchell, Haigh, Woods and Hatfield spoke in favor of final passage of the bill.

Representatives Crouse, Clements and Boldt spoke against final passage of the bill.

The Speaker stated the question before the House to be final passage of Engrossed Substitute House Bill No. 2304 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2304, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 67 Nays: 28 Absent: 0 Excused: 3

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Berkey, Cairnes, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Chandler, Cox, Crouse, DeBolt, Dunn, Ericksen, Esser, Holmquist, Lisk, Mastin, McMorris, Mielke, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sump and Talcott - 28.

Excused: Representatives Campbell, Delvin and Mulliken - 3.

Engrossed Substitute House Bill No. 2304, as amended by the Senate, having received the constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2754 by Representatives Lantz, Esser, Dickerson, Jarrett, Lysen and Kagi

AN ACT Relating to mandatory arbitration; and amending RCW 7.06.010, 36.18.016, and 4.84.185.

Referred to Committee on Judiciary.

HB 2755 by Representatives Hunt, Chandler, Buck, Kessler and Edwards

AN ACT Relating to an installation code for manufactured structures; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Commerce & Labor.

HB 2756 by Representatives Linville, Cox, Delvin, Conway and Cooper

AN ACT Relating to extraordinary investment gain sharing for plan 1; and amending RCW 41.31.010 and 41.31.030.

Referred to Committee on Appropriations.

HB 2757 by Representatives Rockefeller, Ericksen, Hunt, Doumit, Linville and Pearson

AN ACT Relating to administration of hydraulic project approval; amending RCW 77.15.300, 77.12.170, and 43.135.055; adding new sections to chapter 77.55 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2758 by Representatives Quall, Linville and Hunt

AN ACT Relating to establishing the agricultural conservation easements program; adding new sections to chapter 43.23 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2759 by Representatives Buck, Hurst, Lisk, Talcott, Schoesler, Pflug, Woods and Pearson

AN ACT Relating to crimes involving chemical, biological, explosive, incendiary, flammable, or radiological substances or devices; amending RCW 10.95.020 and 13.40.0357; reenacting and amending RCW 9.94A.030 and 9.94A.515; adding a new chapter to Title 9A RCW; repealing RCW 9.61.160, 9.61.170, 9.61.180, 70.74.270, 70.74.272, 70.74.275, and 70.74.280; prescribing penalties; and declaring an emergency.

Referred to Committee on Select Committee on Community Security.

HB 2760 by Representatives Sehlin and Barlean

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.060.

Referred to Committee on Local Government & Housing.

HB 2761 by Representatives Anderson and Ruderman

AN ACT Relating to state information technology projects; amending RCW 43.105.095, 43.105.105, 43.105.170, 43.105.180, and 43.105.190; reenacting and amending RCW 43.105.020 and 43.79A.040; adding new sections to chapter 43.105 RCW; creating a new section; and providing an effective date.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2762 by Representatives Boldt, Nixon, Schmidt, Mielke and Casada

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

Referred to Committee on Children & Family Services.

HB 2763 by Representatives Lysen, Clements and Chase

AN ACT Relating to using credit history for insurance purposes; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2764 by Representatives Quall and Morris

AN ACT Relating to impact fees for fire protection facilities in urban growth areas not contiguous to a city or town; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

HB 2765 by Representatives Orcutt, Fromhold, Morell and McDermott

AN ACT Relating to timber and forest lands; and reenacting and amending RCW 84.33.140.

Referred to Committee on Natural Resources.

HB 2766 by Representatives Orcutt, Darneille, Roach, Dickerson, Pearson, Hatfield, Esser, Lantz, Ahern, Morell, Schoesler, Dunn, Talcott, Clements, Schindler, Holmquist, Boldt, Nixon, Schmidt, Chase, Mielke, Pflug, Linville, Benson, Kenney, Woods and Campbell

AN ACT Relating to social security numbers on certificates of death; and amending RCW 70.58.055.

Referred to Committee on Health Care.

HB 2767 by Representatives Orcutt, Tokuda, Darneille, Chase, Mielke and Boldt

AN ACT Relating to public assistance electronic benefit cards; adding a new section to chapter 74.08 RCW; adding new sections to chapter 9.46 RCW; adding a new section to chapter 67.16 RCW; adding a new section to chapter 67.70 RCW; and prescribing penalties.

Referred to Committee on Children & Family Services.

HB 2768 by Representatives Orcutt, Kagi, Tokuda, Boldt, Jarrett, Benson, Nixon, Lisk, Darneille, Mulliken, Chase, Mielke, Morell, Edwards and Woods

AN ACT Relating to reports to the legislature by the department of social and health services; creating a new section; and providing an expiration date.

Referred to Committee on Children & Family Services.

HB 2769 by Representatives Murray, Jarrett, Rockefeller, Linville, Dunshee, Upthegrove, Ericksen, McDermott, Lantz, Edwards, Kenney and Ogden

AN ACT Relating to the membership of the board of natural resources; and amending RCW 43.30.040.

Referred to Committee on Natural Resources.

HB 2770 by Representatives Hatfield, Dunshee, Gombosky and Chase

AN ACT Relating to truth in taxation; and amending RCW 29.27.066.

Referred to Committee on Local Government & Housing.

HB 2771 by Representatives Reardon, Barlean, Cooper, Benson, Edwards and Ogden

AN ACT Relating to condominium purchases; amending RCW 64.34.100, 64.34.450, and 64.34.452; and adding new sections to chapter 64.34 RCW.

Referred to Committee on Judiciary.

HB 2772 by Representatives Clements, Armstrong, Linville, Grant and Boldt

AN ACT Relating to disclosing information about crop insurance; adding a new section to chapter 48.01 RCW; adding a new section to chapter 48.17 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

HB 2773 by Representatives Clements, Linville, Chandler and Grant

AN ACT Relating to sales of fruit; amending RCW 20.01.440; and adding a new section to chapter 15.17 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2774 by Representatives Clements, Linville, Chandler and Grant

AN ACT Relating to creating the Washington state gaming commission; amending RCW 9.46.0221 and 9.46.040; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2775 by Representatives Clements, Armstrong, Linville and Grant

AN ACT Relating to sales of fruit; and amending RCW 20.01.430 and 20.01.480.

Referred to Committee on Agriculture & Ecology.

HB 2776 by Representatives Clements, Linville, Chandler, Grant, Hatfield, Casada and Barlean

AN ACT Relating to increasing the purchase of Washington grown or raised agricultural products; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 2777 by Representatives Clements, Grant, Chandler and Lisk

AN ACT Relating to enhancing the competitiveness of Washington's agricultural and food processing industries; amending RCW 49.46.020, 49.17.040, and 49.17.050; adding a new section to chapter 49.46 RCW; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2778 by Representatives Clements and Schindler

AN ACT Relating to assessments of student learning; amending RCW 28A.655.010, 28A.655.060, and 28A.655.090; and creating a new section.

Referred to Committee on Education.

HB 2779 by Representatives Clements, Armstrong and Holmquist

AN ACT Relating to presenting alternative transportation plans to the voters; and creating new sections.

Referred to Committee on Transportation.

HB 2780 by Representatives Holmquist, Clements, McMorris, Mulliken, Chandler, Boldt, Nixon, Mielke, Lisk, Morell, Schoesler, Pflug, Benson and Woods

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

Referred to Committee on State Government.

HB 2781 by Representatives Holmquist, Clements, McMorris, Mulliken, Chandler, Boldt, Nixon, Anderson, Lisk, Morell, Schoesler, Pflug, Benson, Woods and Pearson

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

Referred to Committee on State Government.

HB 2782 by Representatives Doumit and Sommers

AN ACT Relating to implementing the results of the 1995-2000 actuarial experience study; adding a new section to chapter 41.45 RCW; repealing RCW 41.45.053; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2783 by Representatives Holmquist, Schoesler, Grant, Quall, Roach, Delvin, Mulliken, Sump, Boldt, Clements, Mielke, Lisk and Casada

AN ACT Relating to agricultural use of water; and amending RCW 90.03.380 and 90.44.100.

Referred to Committee on Agriculture & Ecology.

HB 2784 by Representatives Roach, Mielke, Anderson, Bush, Woods, Pearson and Campbell

AN ACT Relating to delinquent property tax penalties; and amending RCW 84.56.020.

Referred to Committee on Finance.

HB 2785 by Representatives Roach, Mielke, Anderson, Bush and Pearson

AN ACT Relating to delinquent property tax interest and penalties; and amending RCW 84.56.020.

Referred to Committee on Finance.

HB 2786 by Representatives Hunt, Conway, Romero, Chase, Upthegrove, Tokuda, Lysen and Kenney; by request of Lieutenant Governor

AN ACT Relating to mercury amalgam dental fillings; and creating a new section.

Referred to Committee on Health Care.

HB 2787 by Representatives Orcutt, Boldt, Lisk and Woods

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

Referred to Committee on State Government.

HB 2788 by Representatives Linville, Ericksen, Cooper, Lovick, Hunt, O'Brien, Miloscia, Armstrong, Edwards, Barlean and Campbell

AN ACT Relating to authorizing liquor control officer members of the public employees' retirement system plan 2, with at least twenty-five years service credit, to retire at age fifty-five without an actuarial reduction to the retirement allowance; and amending RCW 41.40.630.

Referred to Committee on Appropriations.

HB 2789 by Representatives Darneille, Skinner, Edwards, Sullivan, Campbell, Hunt, Benson, Casada, Romero, Kessler, Morell, Pflug, Kagi, Woods, Schindler and Chase

AN ACT Relating to payment for state-contracted long-term care services; and amending RCW 74.39A.030, 74.46.620, and 74.46.630.

Referred to Committee on Health Care.

HB 2790 by Representatives Edwards, Skinner, Clements, Morell, Benson, Pflug, Woods and Campbell

AN ACT Relating to unallowable costs under the nursing facility medicaid payment system; and amending RCW 74.46.410.

Referred to Committee on Appropriations.

HB 2791 by Representatives Darneille, Skinner, Edwards, Campbell, Clements, Morell and Woods

AN ACT Relating to establishing a long-term care quality fund; adding a new section to chapter 74.39A RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2792 by Representatives Edwards, Skinner, Campbell, Casada, Linville, Bush, Conway, Carrell, Clements, Morell, Pflug, Woods and Chase

AN ACT Relating to medicaid nursing home rates; and amending RCW 74.46.020, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.506, and 74.46.521.

Referred to Committee on Appropriations.

HB 2793 by Representatives Miloscia and Edwards

AN ACT Relating to allowing a small percentage of water-sewer district public works to be performed by the employees of the district; and amending RCW 57.08.050.

Referred to Committee on Local Government & Housing.

HB 2794 by Representatives Miloscia and Benson

AN ACT Relating to allowing governmental agencies to consider cost in the procurement of professional land surveying services; and amending RCW 39.80.020, 39.80.040, and 39.80.050.

Referred to Committee on State Government.

HB 2795 by Representatives Miloscia, McMorris and Lisk; by request of Washington State Patrol

AN ACT Relating to confidentiality of drug and alcohol tests by the state toxicologist; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2796 by Representatives Pflug, Talcott, Lisk, Mulliken, Schindler, Morell, Cairnes and Woods

AN ACT Relating to the use of student achievement funds; and amending RCW 28A.505.210.

Referred to Committee on Education.

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

REPORTS OF STANDING COMMITTEES

January 24, 2002

HB 1268 Prime Sponsor, Representative Romero: Enacting the civil service reform act of 2001.
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.
Voting nay: Representatives McMorris, Schindler and Schmidt.

Referred to Committee on Appropriations.

January 24, 2002

HB 1460 Prime Sponsor, Representative Lovick: Enforcing seat belt laws as a primary action.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Edwards; Haigh; Hankins; Jackley; Jarrett; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Armstrong; Ericksen; Hatfield; Holmquist; Mielke; Schindler; Skinner and Wood.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Haigh, Hankins, Jackley, Jarrett, Murray, Ogden, Reardon, Rockefeller, Romero, Sullivan and Woods.
Voting nay: Representatives Anderson, Armstrong, Hatfield, Holmquist, Mielke, Schindler, Skinner and Wood.
Excused: Representatives Edwards, Ericksen, Morell and Simpson.

Passed to Committee on Rules for second reading.

January 23, 2002

HB 1663 Prime Sponsor, Representative McDermott: Authorizing an exceptional sentence when a crime is motivated by hate. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi and Kirby.
Voting nay: Representative Morell.

Passed to Committee on Rules for second reading.

January 25, 2002

SHB 1849 Prime Sponsor, Committee On Natural Resources: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson, Sump and Upthegrove.

Passed to Committee on Appropriations.

January 25, 2002

HB 2160 Prime Sponsor, Representative McIntire: Determining minimum reserves held by a charitable gift annuity business. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, Benson, Barlean, Hatfield, Miloscia, Roach and Santos.
Excused: Representatives Cairnes, McIntire, Mielke and Simpson.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2284 Prime Sponsor, Representative Fisher: Disqualifying commercial drivers for grade crossing violations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Skinner, Sullivan, Wood and Woods.

Voting nay: Representative Mielke.
Excused: Representatives Ericksen and Simpson.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2285 Prime Sponsor, Representative Fisher: Modifying fuel tax provisions. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Morell; Murray; Ogden; Reardon; Romero; Schindler; Simpson; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Wood and Woods.
Excused: Representatives Ericksen and Sullivan.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2286 Prime Sponsor, Representative Fisher: Correcting language regarding certificates of ownership for stolen vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Wood and Woods.
Excused: Representative Sullivan.

Passed to Committee on Rules for second reading.

January 23, 2002

HB 2298 Prime Sponsor, Representative O'Brien: Designing demonstration projects to improve treatment and management and reduce recidivism rates of mentally ill offenders. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

January 25, 2002

HB 2311 Prime Sponsor, Representative Doumit: Changing provisions relating to small forest landowners. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Referred to Committee on Appropriations.

January 25, 2002

HB 2400 Prime Sponsor, Representative Eickmeyer: Allowing for the installation of recreational docks and mooring buoys by residential owners abutting state-owned aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2426 Prime Sponsor, Representative Jackley: Clarifying the nature of "acting for a commercial purpose" with respect to a natural resources violation. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 23, 2002

HCR 4409 Prime Sponsor, Representative Alexander: Creating a joint select committee to review future facilities needs for higher education. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Schoesler, Veloria and Woods.
Excused: Representative Reardon.

Passed to Committee on Rules for second reading.

January 23, 2002

HCR 4411 Prime Sponsor, Representative Murray: Creating the joint select committee on school construction funding. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Schoesler, Veloria and Woods.
Excused: Representative Reardon.

Passed to Committee on Rules for second reading.

January 23, 2002

HCR 4412 Prime Sponsor, Representative Alexander: Establishing a joint select committee on local jail facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Schoesler, Veloria and Woods.
Excused: Representative Reardon.

Passed to Committee on Rules for second reading.

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

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

THIRD READING

**HOUSE BILL NO. 1196, by Representatives Gombosky, Mulliken, Dunshee and Cox
Modifying parking and business improvement areas.**

Representatives Gombosky and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1196.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1196 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 1196, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1469, by House Committee on Health Care (originally sponsored by Representatives Campbell and Cody)

Dispensing controlled substance orders and prescriptions.

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1469.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1469 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

Substitute House Bill No. 1469, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

There being no objection, the House deferred action on House Bill No. 1189 and the bill held its place on the Second Reading calendar.

There being no objection, Substitute House Bill No. 1260 was returned to the Rules Committee.

HOUSE BILL NO. 2299, by Representatives Esser, Lantz and Benson

Defining person under the business corporation act, uniform limited partnership act, and limited liability company act.

The bill was read the second time.

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

Representatives Esser and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2299.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2299 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 2299, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2302, by Representatives Conway, Wood, Kenney and Edwards; by request of Employment Security Department

Modifying certain application methods for unemployment insurance.

The bill was read the second time.

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

Representative Wood spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2302 .

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2302 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 2302, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2303, by Representatives Conway, Wood and Kenney; by request of Employment Security Department

Correcting rate class 16 in schedule B.

The bill was read the second time.

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

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2303.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2303 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 2303, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2310, by Representatives Jackley, Sump, Doumit, Rockefeller and Eickmeyer; by request of Department of Natural Resources

Determining a "highest responsible bidder" for valuable materials on state-owned lands.

The bill was read the second time.

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

Representatives Jackley and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2310.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2310 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn,

Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 2310, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2399, by Representatives Rockefeller, Doumit, Jackley, Chase, McDermott and Haigh; by request of Department of Natural Resources

Modifying provisions concerning Class IV forest practices.

The bill was read the second time.

Representative Orcutt moved the adoption of the following amendment (010):

On page 3, line 1, after "(4)" strike "The" and insert "With the exception of any deductions that are deposited into the public safety and education account for the purpose of crime victims' compensation, the"

Representatives Orcutt and Rockefeller spoke in favor of adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2399.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2399 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Delvin and Mulliken - 2.

Engrossed House Bill No. 2399, having received the necessary constitutional majority, was declared passed.

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

THIRD READING

**HOUSE BILL NO. 1179, by Representatives Ericksen, Lovick, G. Chandler and O'Brien
Strengthening procedures for disqualification of drinking or drugged commercial drivers.**

Representatives Ericksen, Mitchell and Lovick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1179.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1179 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker- 96.

Excused: Representatives Delvin and Mulliken - 2.

House Bill No. 1179, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 29, 2002, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTEENTH DAY, JANUARY 28, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 29, 2002

The House was called to order at 9:55 a.m. by the Speaker.

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

INTRODUCTION & FIRST READING

HB 2797 by Representatives Cairnes, Mitchell, Woods, Sehlin, Reardon, Schindler, Pearson, Simpson, Hunt, Fisher, Sommers, Tokuda, Ericksen, Barlean, Lantz, Rockefeller, McIntire, Morell, Campbell, Jarrett, Sullivan, Dunshee, Gombosky, Anderson, Jackley, Haigh, Lysen and Van Luven

AN ACT Relating to establishing the orca whale as the state mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HB 2798 by Representatives Conway, Campbell, Cody, Linville, Darneille, Lysen, Edwards, Schual-Berke and Van Luven

AN ACT Relating to payment for nursing care services; and amending RCW 18.52C.040.

Referred to Committee on Appropriations.

HB 2799 by Representatives Lantz, Delvin, Rockefeller, Quall, Talcott, Carrell and Schual-Berke

AN ACT Relating to unfounded reports of child abuse or neglect by child day-care centers and family day-care providers; and amending RCW 26.44.031.

Referred to Committee on Children & Family Services.

HB 2800 by Representatives Hunt, Alexander, Romero, Hankins, Murray, Skinner, Woods, Reardon and Casada

AN ACT Relating to the capital projects surcharge; and amending RCW 43.01.090.

Referred to Committee on Capital Budget.

HB 2801 by Representatives Alexander and DeBolt

AN ACT Relating to the venue of court actions filed against the state; and amending RCW 4.92.010.

Referred to Committee on Judiciary.

HB 2802 by Representatives Chandler, Clements and Van Luven

AN ACT Relating to enhancing the competitiveness of Washington's agricultural and food processing industries; amending RCW 49.46.020; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2803 by Representatives Chandler and Clements

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

Referred to Committee on Commerce & Labor.

HB 2804 by Representatives Lisk, Cody, Skinner, Conway, Campbell, Darneille, Linville, Schual-Berke, Benson, Edwards, Clements, McMorris and Casada

AN ACT Relating to the calculation of median costs for peer groups under the nursing facility medicaid payment system; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Appropriations.

HB 2805 by Representatives Kenney, Fromhold and Chase; by request of Governor Locke

AN ACT Relating to tuition-setting authority and accountability for the use of tuition at institutions of higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2806 by Representatives Jackley and Morris

AN ACT Relating to setting rates for auto transportation companies; and amending RCW 81.68.030.

Referred to Committee on Transportation.

HB 2807 by Representatives Kenney, Cox, Fromhold and Rockefeller; by request of Governor Locke

AN ACT Relating to higher education scholarships; reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2808 by Representatives Cairnes and Casada

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

Referred to Committee on Finance.

HB 2809 by Representatives Doumit, Chandler, Linville, Schoesler, Eickmeyer and Pearson

AN ACT Relating to forest pesticide application; amending RCW 17.21.020 and 17.21.020; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2810 by Representative Dunshee

AN ACT Relating to the authority of land use hearing examiners; amending RCW 36.70A.270; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70B RCW; adding a new section

to chapter 36.70C RCW; adding a new chapter to Title 35 RCW; and repealing RCW 35.63.130, 35A.63.170, 36.70.970, and 58.17.330.

Referred to Committee on Local Government & Housing.

HB 2811 by Representatives Conway, Wood, McDermott and Upthegrove

AN ACT Relating to personnel files; amending RCW 49.12.005, 49.12.250, and 49.12.260; repealing RCW 49.12.240; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2812 by Representatives Conway, Carrell, Talcott, Morell, Kirby and Darneille

AN ACT Relating to a utility tax deduction for compressed natural gas sold to transit districts; and amending RCW 82.16.050.

Referred to Committee on Finance.

HB 2813 by Representatives Conway, Kenney, Lysen and Wood

AN ACT Relating to establishing a responsible vendor program in which there is voluntary compliance; and adding a new section to chapter 66.44 RCW.

Referred to Committee on Commerce & Labor.

HB 2814 by Representatives Sullivan, Morris, Conway, Ogden, Cairnes, Benson, Veloria, McMorris, Fromhold and Casada

AN ACT Relating to the tax treatment of boarding homes; and creating a new section.

Referred to Committee on Finance.

HB 2815 by Representatives Schoesler, Buck, Clements, Cox, Armstrong, Pearson and Anderson

AN ACT Relating to water resource management; amending RCW 90.03.380, 90.03.370, 90.03.015, 90.42.080, 90.38.020, 90.44.050, 90.14.160, 90.14.170, 90.14.180, 90.44.100, and 90.03.330; reenacting and amending RCW 90.14.140 and 43.84.092; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.14 RCW; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2816 by Representatives Kagi, Campbell, Darneille, Edwards, Hunt and Santos

AN ACT Relating to review of laws governing the operation of nursing homes; and creating a new section.

Referred to Committee on Health Care.

HB 2817 by Representatives Lantz, Conway and Clements

AN ACT Relating to local government land use and zoning powers over gambling activities; and amending RCW 9.46.295.

Referred to Committee on Commerce & Labor.

HB 2818 by Representatives Cody and Campbell; by request of Governor Locke

AN ACT Relating to technical and clarifying amendments to Initiative 775; amending RCW 74.39A.230, 74.39A.250, 74.39A.270, 74.39A.280, and 74.39A.300; and providing an effective date.

Referred to Committee on Health Care.

HB 2819 by Representatives Doumit, Buck, Hatfield and Linville

AN ACT Relating to Bush act and Callow act lands; and creating a new section.

Referred to Committee on Natural Resources.

HB 2820 by Representatives Schoesler, Chandler and Clements

AN ACT Relating to the training and minor wage rate; and amending RCW 49.46.020.

Referred to Committee on Commerce & Labor.

HB 2821 by Representative Grant

AN ACT Relating to the relinquishment of water rights approved for instream beneficial uses; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Ecology.

HB 2822 by Representative Romero

AN ACT Relating to requests by employees to withhold or divert wages for political contributions; and amending RCW 42.17.680.

Referred to Committee on State Government.

HB 2823 by Representatives McDermott, Romero, Schmidt, Upthegrove, Schual-Berke, McIntire and Kagi

AN ACT Relating to providing voters with additional information on fiscal impacts of initiatives; and adding new sections to chapter 29.79 RCW.

Referred to Committee on State Government.

HB 2824 by Representatives Skinner and Edwards

AN ACT Relating to conflict of interest provisions for the long-term care ombudsman program; and amending RCW 43.190.040.

Referred to Committee on Health Care.

HB 2825 by Representatives Upthegrove and Miloscia

AN ACT Relating to heritage capital project funding; amending RCW 27.34.330; and creating a new section.

Referred to Committee on Capital Budget.

HB 2826 by Representatives Schual-Berke, Benson, Cody, Campbell, Kagi, Skinner, Jackley, Lysen and Chase

AN ACT Relating to standards for health care system administration; adding new sections to chapter 48.43 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 74.09 RCW; creating new sections, and making an appropriation.

Referred to Committee on Health Care.

HB 2827 by Representatives Chase, Veloria, Eickmeyer, Santos and Kagi

AN ACT Relating to individual development accounts for low-income wage earners; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 2828 by Representatives Boldt, Anderson and Pflug

AN ACT Relating to child abuse or neglect; and amending RCW 26.44.020.

Referred to Committee on Children & Family Services.

HB 2829 by Representatives Mielke, Murray, Haigh, Mitchell, Boldt, Dunn, Schindler, Woods and Doumit

AN ACT Relating to reinstating driving privileges; and amending RCW 46.20.265.

Referred to Committee on Juvenile Justice & Family Law.

HB 2830 by Representatives Schindler, Mielke, Anderson, Benson, Talcott, Ahern, Dunn and Boldt

AN ACT Relating to immediate eviction of a tenant involved in criminal activity; adding a new section to chapter 59.18 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2831 by Representatives Fromhold, Kenney, Cox and Ogden

AN ACT Relating to a review of the current role of branch campuses in comparison with their original mission and an analysis of their future role by the Washington state institute for public policy; and creating a new section.

Referred to Committee on Higher Education.

HB 2832 by Representatives Edwards, Mulliken, Kirby, O'Brien, Mielke, Armstrong, Doumit, Hatfield and Dunn

AN ACT Relating to permits for a conditional use or variance issued by local governments under approved master programs pursuant to the shoreline management act; amending RCW 90.58.140; adding a new section to chapter 90.58 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2833 by Representatives Dunshee, Ahern, Schindler, McMorris, Benson, Crouse, Mielke, Mulliken, Dunn and Casada

AN ACT Relating to restricting utility assessments and charges for certain mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Local Government & Housing.

HB 2834 by Representatives Schual-Berke, Campbell, Cody, Darneille, Conway, Edwards, Chase, Hunt and Pflug

AN ACT Relating to requiring a medication or treatment order as a condition for children with life-threatening conditions to attend public school; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Health Care.

HB 2835 by Representatives Cody, Skinner and Schual-Berke

AN ACT Relating to oversight by the nursing care quality assurance commission of health services rendered in public schools; and amending RCW 18.79.110.

Referred to Committee on Health Care.

HB 2836 by Representatives O'Brien, Ogden, Armstrong, Hunt, Murray, Esser and Dunn

AN ACT Relating to special license plates for the Lewis and Clark bicentennial; amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 27.34 RCW.

Referred to Committee on Transportation.

HB 2837 by Representatives Boldt, Dunn and Jackley

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

Referred to Committee on Education.

HJM 4026 by Representatives Rockefeller, Woods, Jackley, Murray, Lovick, Tokuda, Ogden, Romero, Hunt, McDermott, Veloria, Doumit, Jarrett, Talcott, Cox, Ballasiotes, Ahern, Orcutt, Schmidt, Esser, Santos, Cooper, Cody, Simpson, Benson, Carrell, Kessler, Schual-Berke, Linville, McIntire, Mulliken, Upthegrove, Chase and Van Luven

II. Requesting a memorial to remember the internment of Japanese-Americans during World War

Referred to Committee on State Government.

SSB 5097 by Senate Committee on State & Local Government (originally sponsored by Senators Kastama, Winsley, Constantine, Hargrove, Oke, Rasmussen and Patterson)

AN ACT Relating to displaying flags; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

E2SSB 6140 by Senate Committee on Transportation (originally sponsored by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke)

AN ACT Relating to the creation of regional transportation investment districts; amending RCW 81.104.140, 47.56.075, 82.14.050, 47.56.075, 81.100.010, 81.100.030, 81.100.060, 82.80.030, 82.80.070, and 82.80.080; reenacting and amending RCW 47.05.021 and 43.84.092; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.05 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; and creating new sections.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

January 24, 2002

HB 1079 Prime Sponsor, Representative Romero: Specifying how state buildings are named. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 1345 Prime Sponsor, Representative Dickerson: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Referred to Committee on Appropriations.

January 24, 2002

ESHB 1517 Prime Sponsor, Committee On State Government: Establishing quality management programs. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Referred to Committee on Appropriations.

January 23, 2002

HB 1604 Prime Sponsor, Representative Schual-Berke: Restricting weapons in hospitals. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Kagi and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes, Ranking Minority Member; Ahern and Morell.

Voting yea: Representatives O'Brien, Lovick, Kagi and Kirby.

Voting nay: Representatives Ballasiotes, Ahern and Morell.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2100 Prime Sponsor, Representative Dunshee: Increasing bid limits for PUDs using the alternative bid procedure under RCW 39.04.190. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler, Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 24, 2002

HB 2288 Prime Sponsor, Representative Fisher: Facilitating perpetual management of environmental mitigation sites. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Wood and Woods.

Excused: Representative Sullivan.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2289 Prime Sponsor, Representative Linville: Regulating planting stock certification and nursery improvement programs. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Dunshee; Grant; Holmquist; Kirby; Quall and Roach.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Dunshee, Grant, Holmquist, Kirby, Quall and Roach.
Excused: Representatives Delvin and Sump.

Referred to Committee on Appropriations.

January 25, 2002

HB 2294 Prime Sponsor, Representative Hatfield: Allowing the department of natural resources to seek volunteers to maintain recreation sites. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Referred to Committee on Appropriations.

January 25, 2002

HB 2309 Prime Sponsor, Representative Cody: Concerning the authority of the Washington state board of denturists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.
Excused: Representative Benson.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2312 Prime Sponsor, Representative Cody: Repealing department of health registration of adult family homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.
Excused: Representative Benson.

Referred to Committee on Appropriations.

January 25, 2002

HB 2315 Prime Sponsor, Representative Cody: Providing for the registration of recreational therapists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman;

Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.
Excused: Representative Benson.

Referred to Committee on Appropriations.

January 25, 2002

HB 2318 Prime Sponsor, Representative Cody: Allowing a designee to represent the insurance commissioner on the health care facilities authority. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.
Excused: Representative Benson.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2322 Prime Sponsor, Representative Lantz: Revising provisions relating to nonparent visitation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt.

Voting yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2338 Prime Sponsor, Representative Kagi: Revising sentences for drug offenses. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Kagi, Kirby and Morell.
Voting nay: Representative Ahern.

Referred to Committee on Appropriations.

January 24, 2002

HB 2350 Prime Sponsor, Representative Ruderman: Regulating mail to constituents. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 25, 2002

HB 2352 Prime Sponsor, Representative Alexander: Transferring risk management functions from the department of general administration to the office of financial management. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on State Government was relieved of further consideration on House Joint Memorial No. 4021 and the bill was returned to the Rules Committee.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304,

The Speaker called upon Representative McIntire to preside.

There being no objection, the Committee on Criminal Justice & Corrections was relieved of further consideration on House Bill No. 2533 and the bill was referred to the Committee on Judiciary.

MESSAGE FROM THE SENATE

January 29, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304,

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., January 30, 2002, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

SIXTEENTH DAY, JANUARY 29, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 30, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages James Kuo and David Kirkpatrick. Prayer was offered by Pastor Robert Christensen, Olympia-Lacey Church of God.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4682, by Representatives Skinner, Clements, Holmquist, Lisk, Kenney, Ballasiotes, Hankins, Delvin, Ahern, Lantz, Lovick, Mulliken, Chandler, Campbell, Sehlin, Alexander, Veloria, Fromhold, Murray, Barlean, Cox, Hunt, Reardon, Sommers, Conway and Schmidt

WHEREAS, The Yakima Valley recognizes it has an economy in transition and significant change needs to occur; and

WHEREAS, The citizens of the Yakima Valley have a proud tradition of self-help and grassroots community action to meet challenges and create opportunities; and

WHEREAS, The Greater Yakima Chamber of Commerce's education program has been recognized by both the National School to Work Office and the United States Chamber of Commerce as a Best Practice in the United States; and

WHEREAS, The Greater Yakima Chamber of Commerce has established task forces working to identify and implement strategies for the emerging, current, and transitional workers in the Yakima Valley; and

WHEREAS, The Greater Yakima Chamber of Commerce and government, education, community, and business interests have come together to form a partnership known as the Business Education Partnership Initiative; and

WHEREAS, The Business Education Partnership Initiative has taken a leading role in preparing and maintaining a qualified work force to meet Yakima Valley employer requirements now and in the future; and

WHEREAS, The Business Education Partnership Initiative allows even greater networking among government, education, community, and business interests by increasing access to the talents and knowledge of all members and the various programs and organizations involved in the workforce development process;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Greater Yakima Chamber of Commerce and all the government, education, community, and business interests involved for their outstanding efforts in forming the Business Education Partnership Initiative to create a working partnership model for grassroots involvement leading to community solutions; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Greater Yakima Chamber of Commerce.

Representative Skinner moved the adoption of the resolution.

Representatives Skinner and Clements spoke in favor of the adoption of the resolution.

House Resolution No. 4682 was adopted.

HOUSE RESOLUTION NO. 2002-4686, by Representatives Reardon, Berkey, Nixon, Schmidt and Esser

WHEREAS, The USS Ingraham represents the United States government and its citizens as a naval ambassador; and

WHEREAS, The USS Ingraham, the final ship built in the Oliver Hazard Perry Class guided missile frigate, consists of 51 ships, making it the largest single class of warships built by a Western Navy since World War II; and

WHEREAS, With its anti-submarine warfare system, high speed, and quick reaction, this warship is a valuable asset in today's multithreat environment; and

WHEREAS, On July 24, 2001, the USS Ingraham left Naval Station Everett for the Persian Gulf to enforce United Nations sanctions against Iraq; and

WHEREAS, Within a couple of days of the deplorable events of September 11, the USS Ingraham, as a part of the Carl Vinson Battle Group, was on station to conduct air strikes when ordered; and

WHEREAS, Some 242 officers and crewmembers, including a San Diego-based helicopter detachment of 24 men, three midshipmen from the United States Naval Academy, and a chaplain from Destroyer Squadron Nine, joined the Ingraham for its operations; and

WHEREAS, The Ingraham personnel in Pakistan provided defensive actions for the Peliliu Amphibious Ready Group; escorted ammunition ships, oilers, and food storage vessels through the Strait of Homuz; and brought goods to the battle groups conducting strikes against al Qaida members; and

WHEREAS, Off the coast of Iraq, the USS Ingraham prevented the illegal flow of weapons, banned chemicals, and other items targeted for military purposes; and

WHEREAS, By boarding and searching hundreds of vessels, the Navy Seals teams, Marine Units, and the USS Ingraham worked cooperatively to close possible escape routes to Osama bin Laden and his leadership figures;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and appreciate the sacrifices made by military personnel aboard the USS Ingraham and the families they left behind; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Naval Station Everett and the USS Ingraham.

Representative Reardon moved the adoption of the resolution.

Representatives Reardon, Berkey and Rockefeller spoke in favor of the adoption of the resolution.

House Resolution No. 4686 was adopted.

HOUSE RESOLUTION NO. 2002-4689, by Representatives Schoesler, Linville, Buck, Morris, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Woods

WHEREAS, 2002 is the centennial year of 4-H which has served the youth of our country well for a full century now, and 4-H has withstood the test of time and yet has been able to change with the times; and

WHEREAS, Early 4-H programs focused on increased agricultural production and safe food preparation and preservation; and

WHEREAS, During World War II, 4-H established itself as a program for urban audiences by focusing on victory gardens, salvage/recycling programs, and bond campaigns; and

WHEREAS, 4-H has had an international program since 1948 hosting and sending youth and adults to over sixty different partner countries; and

WHEREAS, 4-H serves youth in rural, suburban, and urban settings with research-based programs in life skills education and emerging issues; and

WHEREAS, Tens of thousands of Washington's young people are involved in a wide range of 4-H programs; and

WHEREAS, The 4-H Youth Development Program has helped young people in Washington state develop useful "life skills" since it was established in 1914; and

WHEREAS, Eighty-six thousand five hundred young people throughout Washington participated in 4-H Youth Development Programs alone in 2001; and

WHEREAS, 4-H Youth Development Programs focus on teaching young people to become productive members of society by fostering self-esteem, communication, and decision-making skills; and

WHEREAS, 4-H Youth Development Programs help participants learn about a wide variety of subjects including: Social, plant, animal, and mechanical sciences; expressive, and applied arts; family living; and environmental stewardship; and

WHEREAS, In addition to working with traditional community clubs, 4-H Youth Development Programs reach youth through urban groups, special interest groups, nutrition programs, school enrichment, camping, home-school programs, and interagency learning experiences; and

WHEREAS, 4-H Youth Development Programs promote volunteer service by enlisting more than ten thousand volunteers statewide, who donate an average of two hundred hours of their time during the year; and

WHEREAS, In 2001, Youth Development Programs achieved their goal of reaching a more diverse audience as roughly twenty-seven percent of participants came from ethnic minority groups; and

WHEREAS, More than three hundred 4-H members from around the state are currently visiting the State Capitol as part of a statewide education program titled "4-H Know Your Government"; and

WHEREAS, Washington State University 4-H engages young people with their communities, fostering both their rights and responsibilities by focusing on community service learning;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize 4-H Youth Development Programs for their many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kevin Wright, the State Program Coordinator for 4-H Youth Development Programs.

There being no objection, House Resolution No. 4689 was adopted.

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 2838 by Representatives Hunt, Schmidt, Simpson, Schual-Berke, Morris, Lovick, Sullivan, Anderson, Esser, Conway, Tokuda, Kirby and Berkey

AN ACT Relating to restrictions on local access to broadcasts of professional sports; and adding a new section to chapter 36.102 RCW.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2839 by Representatives DeBolt and Alexander

AN ACT Relating to taxation of taxidermy; amending RCW 82.04.050; and providing an effective date.

Referred to Committee on Finance.

HB 2840 by Representatives Carrell, Conway, Talcott, Darneille, Bush, Kirby, Morell, Roach, Casada and Pflug

AN ACT Relating to public safety services provided to state hospitals; and amending RCW 35.21.779.

Referred to Committee on Local Government & Housing.

HB 2841 by Representatives Chase, Cox, Kenney, Jarrett, Fromhold, Lysen, Edwards, Upthegrove, Rockefeller, Haigh, Esser and McDermott

AN ACT Relating to the appointment of a student member to the higher education coordinating board; and amending RCW 28B.80.390.

Referred to Committee on Higher Education.

HB 2842 by Representatives Santos, Tokuda, Veloria, Conway, Kenney, Dickerson, O'Brien, Ogden, Schual-Berke, Kessler, Lovick, McIntire, Ruderman, Upthegrove, Linville, Rockefeller, Simpson, Haigh and McDermott

AN ACT Relating to a Washington state day of remembrance; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government.

HB 2843 by Representatives Rockefeller, Talcott, Hunt, Santos, Edwards, Chase and McDermott

AN ACT Relating to assisting ailing schools in obtaining revenue; adding a new chapter to Title 28A RCW; and providing an effective date.

Referred to Committee on Education.

HB 2844 by Representatives Linville, Schoesler, Romero, Chandler, Jarrett, Reardon, Gombosky, Morris, Sehlin, Lantz, Conway, Kenney, Santos, Ogden, Bush, Schual-Berke, Kessler, Chase, Rockefeller, Simpson and McDermott

AN ACT Relating to environmental excellence program agreements; amending RCW 43.21K.160; and creating a new section.

Referred to Committee on Agriculture & Ecology.

HB 2845 by Representatives Morris, Crouse, Morell, Pflug, Ogden, Linville and Simpson

AN ACT Relating to the utilities and transportation commission; and creating new sections.

Referred to Committee on Technology, Telecommunications & Energy.

HB 2846 by Representatives Romero, Dunshee and Mulliken

AN ACT Relating to requiring specific funding to implement the buildable lands review and evaluation program; and amending RCW 36.70A.215.

Referred to Committee on Local Government & Housing.

HB 2847 by Representatives Cooper, Roach, Berkey, Cairnes, Linville, Esser, Kirby, Reardon, Casada, Doumit, Ogden, Chase and Pearson

AN ACT Relating to evaluating the performance of the state storm water program; adding a new section to chapter 77.85 RCW; adding a new section to chapter 90.48 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2848 by Representatives Clements, Chandler, McMorris and Pflug

AN ACT Relating to management of claims of insolvent self-insurers; and amending RCW 51.14.077.

Referred to Committee on Commerce & Labor.

HB 2849 by Representative Alexander

AN ACT Relating to sales and use tax for regional centers under RCW 82.14.390; and amending RCW 82.14.390.

Referred to Committee on Trade & Economic Development.

HB 2850 by Representatives Murray, Jarrett, Lysen, McDermott, Cody, Kenney, Dickerson and Chase

AN ACT Relating to city transportation authority; amending RCW 84.52.010 and 84.52.052; and adding a new chapter to Title 36 RCW.

Referred to Committee on Transportation.

HB 2851 by Representatives Dunn, Kenney, Bush, Veloria, Casada, DeBolt, Lantz, Crouse, Kirby, Barlean, Berkey, Mulliken, Santos, Fromhold, Cairnes, Dunshee, Van Luven, Tokuda, Morell, Edwards, Chase, Haigh and McDermott

AN ACT Relating to the accountability of the student regent to the associated students of the University of Washington; amending RCW 28B.20.100; and adding new sections to chapter 28B.20 RCW.

Referred to Committee on Higher Education.

HB 2852 by Representatives Miloscia, Esser, Benson, Lovick, Boldt, Morell and Anderson

AN ACT Relating to a family law handbook; amending RCW 2.56.030; adding a new section to chapter 2.56 RCW; and creating a new section.

Referred to Committee on Juvenile Justice & Family Law.

HB 2853 by Representatives Morris, Hurst, Schmidt, Barlean, Buck, Simpson, Schual-Berke, Cooper, Haigh, Benson, Ballasiotes, O'Brien, Anderson, Chase, Upthegrove, Linville and Rockefeller

AN ACT Relating to emergencies involving critical infrastructure arising from terrorist acts; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Select Committee on Community Security.

HB 2854 by Representatives Schual-Berke, Haigh, Morris, Barlean, O'Brien, Hurst, Hatfield, Anderson, Chase, Upthegrove and Rockefeller

AN ACT Relating to planning for public health emergencies arising from terrorist acts; adding new sections to chapter 38.52 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Select Committee on Community Security.

HB 2855 by Representatives McMorris; Anderson; Holmquist; Mielke; Boldt; Nixon; Pearson; Dunn; Casada; Morell; Pflug; Schmidt; Bush; Lisk; Esser; Schoesler

AN ACT Relating to regulatory reform for small businesses; amending RCW 34.05.360 and 34.05.570; adding a new section to chapter 34.05 RCW; and creating a new section.

Held on First Reading.

HB 2856 by Representatives McIntire, Veloria and Kenney

AN ACT Relating to adjusting property tax rates for senior taxing districts; amending RCW 84.52.043, 84.52.010, and 84.52.065; and adding a new chapter to Title 36 RCW.

Referred to Committee on Finance.

HB 2857 by Representatives Santos, McIntire, Veloria and Chase

AN ACT Relating to voter-approved increases in excess of the property tax revenue limit; and amending RCW 84.55.050.

Referred to Committee on Finance.

HB 2858 by Representative Mulliken

AN ACT Relating to restricting growth management hearings boards review authority; amending RCW 36.70A.140, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.320, 36.70A.330, and 36.70A.340; creating a new section; repealing RCW 36.70A.302, 36.70A.305, and 36.70A.335; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 2859 by Representative Nixon

AN ACT Relating to governmental licenses, certificates, endorsements, and registrations; and creating a new section.

Referred to Committee on State Government.

HB 2860 by Representatives Nixon and Ruderman

AN ACT Relating to licenses, certificates, endorsements, and registrations for health professions and health-related enterprises; and creating a new section.

Referred to Committee on Health Care.

HB 2861 by Representatives Schoesler and Chandler

AN ACT Relating to enhancing the competitiveness of Washington's agricultural and food processing industries; amending RCW 49.46.020, 49.17.040, 49.17.050, 34.05.570, and 49.17.020; adding a new section to chapter 49.17 RCW; adding a new section to chapter 49.30 RCW; adding a new chapter to Title 15 RCW; repealing RCW 49.17.041 and 49.17.280; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2862 by Representatives Ruderman, Cody, Schual-Berke, Fromhold, Rockefeller and McDermott

AN ACT Relating to restricting smoking in public places; amending RCW 70.160.020, 70.160.030, 70.160.040, and 70.160.050; adding a new section to chapter 70.160 RCW; and creating a new section.

Referred to Committee on Health Care.

HB 2863 by Representatives Chase, Linville, Conway and Edwards

AN ACT Relating to state payment for long-term care services; amending RCW 74.39A.005, 74.39A.009, 74.39A.030, and 74.46.190; adding a new section to chapter 82.01 RCW; adding a new section to chapter 74.39A RCW; creating a new section; providing a contingent effective date; and providing for submission of this act to a vote of the people.

Referred to Committee on Health Care.

HB 2864 by Representatives Linville, Armstrong, Clements, Sump, Grant, Conway, Morell and Chase

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

Referred to Committee on Agriculture & Ecology.

HB 2865 by Representatives Chase, Voloria, Darneille, McDermott, Dunshee, Upthegrove, Fisher, McIntire, Lantz, Tokuda, Jackley, Kenney and Schual-Berke

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

Referred to Committee on Local Government & Housing.

HB 2866 by Representatives Doumit, Sump, Reardon, Schoesler, Linville, Kessler, Morris, Mulliken, Hatfield, Pearson, Grant, Armstrong and McMorris

AN ACT Relating to hydraulic permits; amending RCW 77.55.100, 77.55.110, 77.55.170, and 77.55.220; adding new sections to chapter 77.55 RCW; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 2867 by Representatives Fromhold, Ogden, McMorris, Grant, Haigh and Delvin

AN ACT Relating to mitigating the effects of the aquatic pesticide national pollutant discharge elimination system permit required as a result of a recent federal court decision; amending RCW 90.48.465; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2868 by Representatives Ericksen and Linville

AN ACT Relating to storm water fees; and amending RCW 90.48.465.

Referred to Committee on Agriculture & Ecology.

HB 2869 by Representative Ericksen

AN ACT Relating to storm water fees; and amending RCW 36.89.080.

Referred to Committee on Local Government & Housing.

HB 2870 by Representatives Orcutt, Morell and Doumit

AN ACT Relating to laws from other states acting as a barrier to timber supply; and creating a new section.

Referred to Committee on Natural Resources.

HB 2871 by Representative Dunn

AN ACT Relating to tuition at institutions of higher education; amending RCW 28B.15.066 and 28B.15.067; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 2872 by Representatives Lantz, Morris, Mulliken, Boldt, Carrell, Lovick, Kenney, Holmquist, Fromhold, Esser, Veloria, Skinner, Buck, Dunshee, Dunn, Casada, Chase and Upthegrove

AN ACT Relating to campus community crime reporting; and amending RCW 28B.10.569.

Referred to Committee on Higher Education.

HJM 4027 by Representatives Hurst, Jackley, Morris, Schmidt, Simpson, O'Brien, Barlean, Hatfield, Santos, Cooper, Buck, Schual-Berke, Haigh, Lisk, Campbell, Ballasiotes, Kenney, Morell, Pflug, Chase and Linville

Petitioning the federal government for assistance for the property and casualty insurance market.

Referred to Committee on Select Committee on Community Security.

HJM 4028 by Representatives Nixon, Lisk and Esser

Requesting a federal waiver to allow private rest areas.

Referred to Committee on Transportation.

HJR 4221 by Representative Dunshee

Amending the Constitution to revise the method of altering county boundaries.

Referred to Committee on Local Government & Housing.

HCR 4424 by Representatives Sump, Armstrong, Morell, Doumit and Rockefeller

Studying ways to improve fire fighting.

Referred to Committee on Natural Resources.

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

REPORTS OF STANDING COMMITTEES

January 28, 2002

HB 2359 Prime Sponsor, Representative Fisher: Authorizing the financing of regional transportation planning improvements by counties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Hankins; Holmquist; Jarrett; Mielke; Morell; Schindler; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Edwards, Haigh, Hatfield, Jackley, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Hankins, Holmquist, Jarrett, Mielke, Morell, Schindler, Skinner and Woods.

There being no objection, House Bill No. 2359 was placed on the Second Reading calendar.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 31, 2002, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

SEVENTEENTH DAY, JANUARY 30, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 31, 2002

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

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

MESSAGE FROM THE SENATE

January 30, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5099,
SENATE BILL NO. 5253,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 5513,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5522,
SENATE BILL NO. 5546,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5571,
SENATE BILL NO. 5591,
SENATE BILL NO. 5594,
SECOND ENGROSSED SENATE BILL NO. 6001,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2855 By Representatives McMorris, Anderson, Holmquist, Mielke, Boldt, Nixon, Pearson, Dunn, Casada, Morell, Pflug, Schmidt, Bush, Lisk, Esser, Schoesler and Woods

AN ACT Relating to regulatory reform for small businesses; amending RCW 34.05.360 and 34.05.570; adding a new section to chapter 34.05 RCW; and creating a new section.

Held on First Reading 1-30-02.

HB 2873 By Representatives Reardon, Cooper, Sullivan, Morell, Lovick, Chase and Conway

AN ACT Relating to property tax levies to support criminal justice personnel and fire protection personnel; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Finance.

HB 2874 By Representatives Schoesler and Grant

AN ACT Relating to agreements for allocation of Columbia basin project water that exists in underground storage and is available as a result of irrigation in the Columbia basin project; and adding a new section to chapter 89.12 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2875 By Representatives McIntire, Dickerson and Dunshee

AN ACT Relating to a voluntary income lottery; adding new sections to chapter 67.70 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2876 By Representatives McIntire, Dickerson, Dunshee and Rockefeller

AN ACT Relating to sales and use taxation of advertising and public relations services; amending RCW 82.04.050, 82.04.460, 82.12.010, 82.12.020, 82.12.0252, 82.12.0255, 82.12.035, and 82.12.060; reenacting and amending RCW 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2877 By Representatives McDermott, Mulliken, Quall, Schindler, Woods, Simpson, Santos, Pflug and Esser

AN ACT Relating to the Washington assessments of student learning; and adding a new section to chapter 28A.655 RCW.

Referred to Committee on Education.

HB 2878 By Representatives Reardon, Morris, Morell, Armstrong and Buck

AN ACT Relating to studying the availability of construction aggregates used in transportation projects; and creating a new section.

Referred to Committee on Transportation.

HB 2879 By Representatives Hurst, Lisk, Mulliken, Woods, Buck, Kirby, Simpson, Barlean, Fromhold, Edwards, Haigh, Morris, Kessler, Jackley, O'Brien, Sullivan, Lovick, Berkey, Pflug, Ballasiotes, Campbell, Esser, Alexander, Chase and Conway; by request of Governor Locke and Attorney General

AN ACT Relating to terrorism offenses; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, 10.95.040, 13.40.0357, and 9A.04.080; reenacting and amending RCW 9A.82.010, 9.94A.515, and 9.94A.030; adding a new section to chapter 10.95 RCW; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Select Committee on Community Security.

HB 2880 By Representatives Simpson, Santos, Cairnes, Conway, Morell and Darneille

AN ACT Relating to exempting from taxation certain property belonging to any federally recognized Indian tribe located in the state; and amending RCW 84.36.010.

Referred to Committee on Finance.

HB 2881 By Representatives Carrell, Talcott and Esser

AN ACT Relating to earmarking sales taxes collected by park vendors; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2882 By Representatives Esser and Lantz

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 2883 By Representatives Kenney, Fromhold and Chase

AN ACT Relating to articulation of students between the two-year colleges and four-year universities and the state college.

Referred to Committee on Higher Education.

HB 2884 By Representatives Anderson, Murray, Esser, Pflug, Jarrett, Ballasiotes, Van Luven and Nixon

AN ACT Relating to election of board members of a regional transit authority; and amending RCW 81.112.030 and 81.112.040.

Referred to Committee on Transportation.

HJR 4222 By Representatives Reardon, Berkey, Schmidt, Sullivan, Dunshee, Simpson, Cooper, Edwards, Morell, Darneille and Conway

Amending the Constitution to allow voter approval of property taxes for criminal justice and fire protection purposes.

Referred to Committee on Finance.

SSB 5099 By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley and Thibaudeau)

AN ACT Relating to the designation of licensed dental directors by carriers offering dental only coverage; and amending RCW 48.43.540.

Referred to Committee on Health Care.

SB 5253 By Senators McCaslin, Kline, Long, Constantine, Hewitt, Horn, Honeyford and Costa

AN ACT Relating to increasing civil jury trial fees; and amending RCW 3.62.060, 12.12.030, and 10.46.190.

Referred to Committee on Judiciary.

2ESSB 5291 By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Winsley, Franklin and Fraser)

AN ACT Relating to immunizations at long-term care facilities; adding a new section to chapter 74.39 RCW; and creating new sections.

Referred to Committee on Health Care.

SSB 5369 By Senate Committee on Judiciary (originally sponsored by Senators Kline, Long and Costa; by request of Department of Social and Health Services)

AN ACT Relating to jurisdiction in child support matters; amending RCW 26.09.170, 26.09.175, 26.23.130, 74.20.065, 74.20A.055, and 74.20A.056; adding a new section to chapter 26.23 RCW; adding a new section to chapter 74.20A RCW; and repealing RCW 74.20A.058.

Referred to Committee on Juvenile Justice & Family Law.

SSB 5433 By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Regala, Winsley and Thibaudeau)

AN ACT Relating to establishment of parent and child relationship for children born through alternative reproductive medical technology; and amending RCW 26.26.030 and 26.26.050.

Referred to Committee on Health Care.

SB 5513 By Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

AN ACT Relating to motorist assault upon department of transportation employees; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

2ESSB 5522 By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kastama, Hargrove, Thibaudeau, Winsley, Kohl-Welles, Long, Costa, Snyder, Deccio, Fraser and Rasmussen)

AN ACT Relating to creating an office of mental health ombudsman; adding a new chapter to Title 71 RCW; and providing an effective date.

Referred to Committee on Health Care.

SB 5546 By Senators McAuliffe, Finkbeiner, Rasmussen, B. Sheldon, Fairley, Johnson, Hewitt, Eide and Kohl-Welles; by request of State Board of Education

AN ACT Relating to reclassifying the state board of education as a class four group; and amending RCW 28A.305.120.

Referred to Committee on Education.

ESSB 5571 By Senate Committee on Transportation (originally sponsored by Senators Sheahan, Rasmussen, Hochstatter, T. Sheldon, Hewitt, Rossi, Honeyford, Parlette, Stevens and Roach)

AN ACT Relating to Future Farmers of America license plates; amending RCW 46.16.313, 46.16.233, and 46.16.290; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

SB 5591 By Senators Zarelli, Kline, Costa, McCaslin and Kohl-Welles

AN ACT Relating to a jury duty exemption for sole caregivers; and amending RCW 2.36.100.

Referred to Committee on Judiciary.

SB 5594 By Senators Gardner, Winsley, Prentice and Honeyford

AN ACT Relating to the consolidation of housing authorities; and amending RCW 35.82.300.

Referred to Committee on Local Government & Housing.

2ESB 6001 By Senators Carlson and Winsley

AN ACT Relating to inspections of tenant dwelling units by fire department officials for fire code violations; and reenacting and amending RCW 59.18.150.

Referred to Committee on Local Government & Housing.

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

REPORTS OF STANDING COMMITTEES

January 29, 2002

HB 1279 Prime Sponsor, Representative Simpson: Recognizing a state day of peace. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Ranking Minority Member and Schindler.

Voting yea: Representatives Romero, Miloscia, McDermott, Schmidt and Upthegrove.
Voting nay: Representatives McMorris and Schindler.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2296 Prime Sponsor, Representative Eickmeyer: Modifying the definition of "eligible area" for distressed area designation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Dunn; Fromhold and Gombosky.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Dunn, Fromhold and Gombosky.

Voting nay: Representative Mulliken.

Referred to Committee on Finance.

January 29, 2002

HB 2320 Prime Sponsor, Representative McDermott: Regarding campaign contributions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2321 Prime Sponsor, Representative McDermott: Regarding penalties for violations of the public disclosure act. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2329 Prime Sponsor, Representative Lantz: Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2331 Prime Sponsor, Representative Romero: Revising initiative filing fee procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2332 Prime Sponsor, Representative Romero: Directing a statewide voter registration data base. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Referred to Committee on Appropriations.

January 29, 2002

HB 2333 Prime Sponsor, Representative Romero: Regulating voter registration applications. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2354 Prime Sponsor, Representative Alexander: Regulating the admissibility of benevolent gestures in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2385 Prime Sponsor, Representative Jackley: Adding members to the emergency management council. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2401 Prime Sponsor, Representative Doumit: Reimbursing employees of the department of natural resources who are victims of assault. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2502 Prime Sponsor, Representative Sump: Concerning the establishment of the forest products commission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2570 Prime Sponsor, Representative Doumit: Extending the period of time for federal assurances with respect to the forests and fish report. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 29, 2002

HJM 4018 Prime Sponsor, Representative Veloria: Petitioning to end restrictions on trade with Cuba. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Fromhold and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Fromhold and Gombosky.

Voting nay: Representatives Dunn and Mulliken.

Passed to Committee on Rules for second reading.

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

The House went at ease until 5:30 p.m.

The Speaker assumed the chair.

SECOND READING

HOUSE BILL NO. 2359, by Representatives Fisher, Cooper, Kessler, Berkey, Jackley, McIntire, Conway, Wood, Kagi and Ogden

Authorizing the financing of regional transportation planning improvements by counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 2359 was substituted for House Bill No. 2359 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2359 was read the second time.

Representative Woods moved the adoption of amendment (019):

On page 2, beginning on line 22, after "means" strike everything through "facilities." on line 30, and insert ":

(a) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that adds a lane or new lanes to an existing state or federal highway;

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002; or

(c) A capital improvement to:

(i) A state ferry terminal; or

(ii) Improve freight mobility at a rail crossing on a state highway, including rail improvements.

(d) A transportation project as defined in (a), (b), and (c) of this subsection may include the following associated multimodal capital improvements of:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

Operations, preservation, and maintenance are excluded from this definition."

Representative Woods spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cooper moved the adoption of amendment (016):

On page 4, line 9, after "for" strike everything through "section" on line 10, and insert "approval or rejection"

On page 4, beginning on line 23, after "2002," strike everything through "a" on line 33, and insert "if the county legislative authority approves the plan, the"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Cooper and Fisher spoke in favor of the adoption of the amendment.

Representative Mitchell spoke against the adoption of the amendment.

The amendment was adopted.

Representative Campbell moved the adoption of amendment (022):

On page 5, after line 24, insert the following:

"NEW SECTION. Sec. 1. CROSS BASE HIGHWAY. If the regional transportation planning organization known as the Puget Sound Regional Council is requested by a county to develop a regional transportation investment plan under section 103 of this act, the Puget Sound Regional

Council shall include in that plan on the list of transportation improvement projects the project commonly known as the Cross Base Highway."

Renumber the sections following consecutively and correct any internal references accordingly.

Representatives Campbell, Jarrett and Bush spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

There being no objection, Representatives Ballard, Hankins and Schindler were excused.

The Speaker stated the question before the House to be adoption of amendment (022) to Substitute House Bill No. 2359.

ROLL CALL

The Clerk called the roll on the adoption of amendment (022) to Substitute House Bill No. 2359, and the amendment not adopted by the following vote: Yeas: 45 Nays: 50 Absent: 0 Excused: 3

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 45

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50

Excused: Representatives Ballard, Hankins and Schindler - 3

Representative Woods moved the adoption of amendment (017):

On page 5, line 35, after "(e)" strike everything through "(f)" on line 36

Reletter the remaining subsections consecutively and correct internal references accordingly.

On page 26, beginning on line 5, strike all of section 215

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Woods and Armstrong spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mitchell moved the adoption of amendment (020):

On page 5, line 38, after "81.104.170" strike everything through "tolling authority" on page 6,
line 5

Correct internal references accordingly.

On page 6, line 6, after "Taxes" strike ", fees, and tolls" and insert "and fees"

On page 6, line 21, after "project." strike everything through "tolls." on line 24

On page 6, line 33, after "(1)" strike everything through "(a)" on line 37

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 9, line 4, after "taxes" strike ", fees, or tolls" and insert "and fees"

On page 22, line 6, after "project." strike everything through "tolls." on line 9

On page 23, line 15, strike all of section 212

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Beginning on page 34, line 22, strike all of section 220

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

On page 37, line 6, strike all of section 222

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Mitchell spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Jarrett moved the adoption of amendment (021):

On page 6, line 36, after "amount:" strike everything through "areas." on page 7, line 14, and insert the following:

"(a) Ninety percent must be deposited in the regional transportation investment account. The department of transportation must use the funds to implement projects identified in the regional transportation investment plan; and

(b) Ten percent must be distributed to county and city capital projects to address principal arterial improvements identified in the ballot proposition and adopted transportation and land use plans of the jurisdiction spending the funds and consistent with an applicable and adopted metropolitan transportation plan."

Representative Jarrett spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendments (018), (012) and (011) were withdrawn.

Representative Jarrett moved the adoption of amendment (023):

Strike everything after the enacting clause and insert the following:

"I. CREATION OF REGIONAL TRANSPORTATION INVESTMENT DISTRICT

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that:

- (1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;
- (2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on highways of statewide significance in the state's largest urbanized area;
- (3) Providing a transportation system that provides efficient mobility for persons and freight requires a shared partnership and responsibility between the state, local, and regional governments and the private sector; and
- (4) Timely construction and development of significant transportation improvement projects can best be achieved through enhanced funding options for governments at the county and regional levels, using already existing tax authority to address roadway and multimodal needs and new authority for regions to address critical projects of statewide significance.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the governing body of a regional transportation investment district.
- (2) "Department" means the Washington state department of transportation.
- (3) "Highway of statewide significance" means an existing or proposed state route or federal interstate as designated a highway of statewide significance by the transportation commission, its successor entity, or the legislature.
- (4) "Lead agency" means a public agency that by law can plan, design, and build a project and has been so designated by the district.
- (5) "Local project" means a city or county capital project for principal arterial improvements consistent with the metropolitan transportation plan.
- (6) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.
- (7) "Regional transportation investment district coordinating committee" or "coordinating committee" means the advisory committee created under section 103 of this act to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.
- (8) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.
- (9) "Transportation project" is:
 - (a) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that adds a lane or new lanes to an existing state or federal highway;
 - (b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002; or
 - (c) A capital improvement to:
 - (i) A state ferry terminal; or
 - (ii) Improve freight mobility at a rail crossing on a state highway, including rail improvements.A transportation project as defined in (a), (b), and (c) of this subsection may include the following associated multimodal capital improvements of:
 - (i) Approaches to highways of statewide significance;
 - (ii) High-occupancy vehicle lanes;
 - (iii) Flyover ramps;
 - (iv) Park and ride lots;
 - (v) Bus pullouts;
 - (vi) Vans for vanpools;
 - (vii) Buses; and
 - (viii) Signalization, ramp metering, and other transportation system management improvements.

Operations, preservation, and maintenance are excluded from this definition.

(10) "Weighted vote" means a vote that reflects the population each board or coordinating committee member represents relative to the population represented by the total membership of the board or coordinating committee. Population must be determined using the federal 2000 census or subsequent federal census data.

NEW SECTION. Sec. 103. COORDINATING COMMITTEE FORMATION. Regional transportation investment district coordinating committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons may convene a regional transportation investment district coordinating committee. An adjoining county with a population over five hundred thousand persons, or an adjoining county as provided in section 117 of this act, may opt to participate in the coordinating committee.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district coordinating committee. Members of the coordinating committee receive no compensation, but may be reimbursed for travel and incidental expenses as the coordinating committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district coordinating committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The coordinating committee shall conduct its affairs and formulate a regional transportation investment plan as provided under section 104 of this act, except that it shall elect an executive board of seven members to discharge the duties of the coordinating committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district coordinating committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district coordinating committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The coordinating committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the coordinating committee.

NEW SECTION. Sec. 104. COORDINATING COMMITTEE DUTIES. (1) A regional transportation investment district coordinating committee shall adopt a regional transportation investment plan providing for the selection, development, construction, and financing of transportation projects. The regional transportation investment plan should consider land use planning. The coordinating committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the coordinating committee. In addition, the coordinating committee shall coordinate with affected cities, towns, and other local governments that engage in transportation planning.

(2) The coordinating committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the creation of a regional transportation investment district and recommending transportation and local projects to improve mobility based on addressing transportation improvement projects that are consistent with the metropolitan plan; and

(c) Recommend sources of revenue authorized by section 105 of this act and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the coordinating committee shall consider all of these revenue sources in developing a plan.

(3) Before adopting the plan, the coordinating committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(4) If a county opts not to adopt the plan or participate in the regional transportation investment district, but a county with a population over one million five hundred thousand persons, either by itself or in conjunction with another contiguous county having a population over five hundred thousand persons chooses to continue to participate, then the coordinating committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of a county or counties, and submit the redefined plan to the legislative authorities of the remaining county or counties for each county's decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(5) Once adopted, the plan must be forwarded to the participating county legislative authority or authorities to initiate the election process under section 107 of this act. The coordinating committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(6) Before the county legislative authority or authorities may initiate the election process, within thirty days of receipt of a regional transportation investment plan, cities and towns within the county may act to disapprove the plan. The plan is disapproved if:

(a) The legislative authority of fifty percent or more of the cities and towns within the county vote to reject the plan; and

(b) The cities or towns voting to reject represent a minimum of fifty percent of the population of the cities and towns within the county.

(7) If the ballot measure is not approved by the voters within each county, the coordinating committee may redefine the selected projects, financing plan, and the ballot measure. The county legislative authority or authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters within each county at the next election or a special election as prescribed in subsection (5) of this section. If no ballot measure is approved by the voters by the third vote, the coordinating committee is dissolved.

NEW SECTION. Sec. 105. TAXES AND FEES. (1) A regional transportation investment district coordinating committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in section 504 of this act, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district, except that the tax does not apply to sales or use of motor vehicles as defined in RCW 46.04.320;

(b) A local option vehicle license fee, as specified under section 508 of this act, of up to one hundred dollars per vehicle registration renewal in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060; and

(e) An employer excise tax under RCW 81.100.030.

(2) Taxes and fees may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in section 107 of this act. Revenues from these taxes and fees may be used only to implement the plan as set forth in this

chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

(4)(a) The state sales and use taxes imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a project to be constructed under this chapter must be transferred to the project or identified as a credit on the project to defray costs or pay debt service on that project.

(b) This transaction is exempt from the requirements in RCW 43.135.035(4).

(c) Government entities constructing projects under this chapter shall report to the department of revenue the amount of state sales or use tax covered under this subsection (4).

NEW SECTION. Sec. 106. PERFORMANCE CRITERIA FOR REGIONAL PROJECT SELECTION. (1) The coordinating committee shall consider the following criteria for selecting transportation and local projects to improve corridor performance:

(a) Reduced level of congestion and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period person and vehicle trip capacity;

(e) Reductions in person and vehicle delay;

(f) Improved freight mobility; and

(g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the transportation commission or its successor.

NEW SECTION. Sec. 107. SUBMISSION OF PLAN TO THE VOTERS. Two or more contiguous county legislative authorities, one of which has a population over one million five hundred thousand persons, or a single county as authorized in section 104 of this act, upon receipt of the regional transportation investment plan under section 104 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. County legislative authorities may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure in each county that both approves formation of the district and approves the plan. Counties must negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of each participating county. A simple majority of the total persons voting on a single ballot measure to approve the plan, establish the district, and impose the taxes and fees is required for approval within each county. The district must be formed if the voters of a county with a population of more than one million five hundred thousand approve formation. The district must also include other counties if the voters of those counties approve formation. The district's boundaries must be contiguous with the county or counties where formation was approved.

NEW SECTION. Sec. 108. CERTIFICATION OF FORMATION. If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transportation planning organization, and the county treasurer who is serving as the district treasurer. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's procedure or the valid formation.

NEW SECTION. Sec. 109. BOARD COMPOSITION. (1) The governing board of a district consists of the members of the legislative authority of each member county, acting ex officio and

independently. The secretary of transportation or the appropriate regional administrator of the department, as named by the secretary, shall also serve as a nonvoting member of the board.

(2) A sixty-percent majority of the weighted votes of the total board membership is required to submit to the counties a modified plan under section 114 of this act or any other proposal to be submitted to the voters. The counties, may, with majority vote of each county legislative authority, submit a modified plan or proposal to the voters.

NEW SECTION. Sec. 110. BOARD ORGANIZATION. The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern district affairs, which may include:

- (1) The time and place of regular meetings;
- (2) Rules for calling special meetings;
- (3) The method of keeping records of proceedings and official acts;
- (4) Procedures for the safekeeping and disbursement of funds; and
- (5) Any other provisions the board finds necessary to include.

NEW SECTION. Sec. 111. BOARD'S POWERS AND DUTIES. (1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

- (a) Impose taxes and fees authorized by district voters;
- (b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in projects;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- (d) Monitor and audit the progress and execution of projects to protect the investment of the public and annually make public its findings;
- (e) Pay for services and enter into leases and contracts, including professional service contracts;
- (f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and
- (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for projects that are not state facilities shall also provide staff support for the board.

- (3) A district may not acquire, hold, or dispose of real property.
- (4) A district may not own, operate, or maintain an ongoing facility, road, or transportation system.

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the projects under this chapter.

NEW SECTION. Sec. 112. TREASURER. The regional transportation investment district, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the district. The district may designate the treasurer of a county within which the district is located to act as its treasurer. Such a treasurer has all of the powers, responsibilities, and duties the county treasurer has related to investing surplus funds. The district shall require a bond with a surety

company authorized to do business in this state in an amount and under the terms and conditions the district, by resolution, from time to time finds will protect the district against loss. The district shall pay the premium on the bond.

In addition to the account established in section 501 of this act, the treasurer may establish a special account, into which may be paid district funds. The treasurer may disburse district funds only on warrants issued by the district upon orders or vouchers approved by the district.

If the treasurer of the district is the treasurer of a county, all district funds must be deposited with a county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds must be deposited in a bank or banks authorized to do business in this state qualified for insured deposits under any federal deposit insurance act as the district, by resolution, designates.

The district may provide and require a reasonable bond of any other person handling moneys or securities of the district, but the district shall pay the premium on the bond.

NEW SECTION. Sec. 113. DEBT AND BONDING. The district may borrow money, but may not issue any debt of its own for more than two years' duration. A district may issue notes or other evidences of indebtedness with a maturity of not more than two years. A district may, when authorized by the plan, enter into agreements with the lead agencies to pledge taxes or other revenues of the district for the purpose of paying in part or whole principal and interest on bonds issued by the lead agency. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

NEW SECTION. Sec. 114. PROJECT OR PLAN MODIFICATION--ACCOUNTABILITY.

(1) If a project cost exceeds its original cost by more than twenty percent as identified in the plan:

(a) The board shall, in coordination with the county legislative authorities, submit to the voters in the district a ballot measure that redefines the scope of the project, its schedule, or its costs. If the voters fail to approve the redefined project, the district shall terminate work on that project, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds that would otherwise have been expended on the terminated project must first be used to retire any outstanding debt attributable to the plan and then may be used to implement the remainder of the plan.

(b) Alternatively, upon adoption of a resolution by two or more participating counties:

(i) The counties shall submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, or its costs. If the voters fail to approve the redefined plan, the district shall terminate work on that plan, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds must be used to retire any outstanding debt attributable to the plan; or

(ii) The counties may elect to have the district continue the project without submitting an additional ballot proposal to the voters.

(2) To assure accountability to the public for the timely construction of the transportation improvement project or projects within cost projections, the district shall issue a report, at least annually, to the public and copies of the report to newspapers of record in the district. In the report, the district shall indicate the status of project costs, project expenditures, revenues, and construction schedules. The report may also include progress towards meeting the performance criteria provided under this chapter.

(3) The legislature finds that public confidence in transportation construction projects is essential and that programs to improve quality, efficiency, and effectiveness of public functions must be enhanced. To this end:

(a) The joint legislative audit and review committee shall collaborate with the department of transportation to develop performance audit criteria for projects and public agencies funded under this chapter. In developing criteria, the committee and the department shall consult with and seek input from elected officials and professionals with a background in performance management and consider already developed best practices or audit criteria used by government or nongovernmental organizations;

(b) Subsequent to the development of performance audit criteria, the committee shall:

(i) Conduct performance audits of projects, systems, and agencies funded by this act;

(ii) Report findings, recommendations, and monitor best practice implementation; and

(iii) Provide public recognition for outstanding effort.

(c) For purposes of this subsection (3), "performance audit" means an objective systematic assessment, survey, or directed self-assessment of state government or any of its agencies, programs, functions, or activities in order to help public officials demonstrate public accountability. Performance audits include, but are not limited to: (i) Quality and process management practices; (ii) independent and effective internal audit functions; (iii) internal and external customer satisfaction; (iv) program and periodic program reviews; (v) financial and fiscal productivity and efficiency; and (vi) legal, regulatory, and procedural compliance.

NEW SECTION. Sec. 115. STATE DEPARTMENT OF TRANSPORTATION ROLE. (1) The department shall designate an office or division of dedicated staff and services whose primary responsibility is to coordinate the design, preliminary engineering, permitting, financing, and construction of projects under consideration by a regional transportation investment district coordinating committee or that are part of a regional transportation investment plan being implemented by a regional transportation investment district.

(2) All of the powers granted the department under Title 47 RCW relating to highway construction may, at the request of a regional transportation investment district, be used to implement a regional transportation investment plan and construct transportation projects.

NEW SECTION. Sec. 116. STATE OWNS IMPROVEMENTS TO STATE FACILITIES. Any improvement to a state facility constructed under this chapter becomes and remains the property of this state.

NEW SECTION. Sec. 117. COUNTY JOINING DISTRICT. (1) A county with a population under five hundred thousand persons and that is part of a regional transportation planning organization with a county with a population greater than one million five hundred thousand persons may vote to join a regional transportation investment district.

(2) The county shall use the planning process set forth in this chapter except that it will be as a single county coordinating committee to develop the plan and a single county, voting separately to join the district. A plan developed by the coordinating committee must provide that all revenues generated from within the county will be expended on projects that benefit the county.

(3) If approved by the voters, the county will become part of the district and the governing board of the district will be adjusted accordingly.

NEW SECTION. Sec. 118. DISSOLUTION. Within thirty days of the completion of the construction of the project or series of projects forming the regional transportation investment plan, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes and fees imposed under an approved plan terminate when the financing or debt service on the project or series of projects constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the project or series of projects forming the regional transportation investment plan. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

NEW SECTION. Sec. 119. OTHER REGIONS. The legislature finds that regional solutions to the state's transportation needs are of paramount concern. The legislature further recognizes that different areas of the state will need the flexibility to fashion local solutions to their transportation problems, and that regional transportation systems may evolve over time. Areas of the state outside of King, Snohomish, and Pierce counties are eligible for grants from the state of no more than one hundred fifty thousand dollars to study and develop regional transportation models. Regions electing to participate in this pilot program may form interlocal agreements within their regions and must develop a model that can be used within their region. Regions receiving these grants shall report to the

transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2003.

II. JOINT BALLOT WITH RTA

NEW SECTION. Sec. 201. JOINT BALLOT MEASURE. At the option of the coordinating committee, and with the explicit approval of the regional transit authority, the participating counties may choose to impose any remaining high capacity transportation taxes under chapter 81.104 RCW that have not otherwise been used by a regional transit authority and submit to the voters a common ballot measure that creates the district, approves the regional transportation investment plan, implements the taxes, and implements any remaining high capacity transportation taxes within the boundaries of the regional transportation investment district. Collection and expenditures of any high capacity transportation taxes implemented under this section must be determined by agreement between the participating counties or district and the regional transit authority electing to submit high capacity transportation taxes to the voters under a common ballot measure as provided in this section. If the measure fails, all such unused high capacity transportation taxes revert back to and remain with the regional transit authority. A project constructed with this funding is not considered a "transportation project" under section 102 of this act and may include development of a monorail.

Sec. 202. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(a) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to

support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

III. CITY MVET FOR MONORAIL

NEW SECTION. **Sec. 301.** A new section is added to chapter 81.104 RCW to read as follows:

MVET FOR CITY MONORAIL. (1) The legislature finds that there is a need for large cities, with populations of five hundred thousand or more, at their option, to develop, construct, and operate intracity monorail systems within their boundaries to facilitate the movement of people and mitigate traffic congestion in highly urbanized areas.

(2) For the sole purposes of developing, constructing, or operating an intracity monorail system within its boundaries, a city with a population of five hundred thousand or more may, with voter approval, impose a motor vehicle excise tax, at a rate approved by the voters, but not exceeding one percent of the value of every motor vehicle owned by a person residing within the city and on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the city. No tax may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Before the effective date of the resolution or ordinance imposing the tax, cities imposing a tax under this section shall contract the administration and collection to the state department of licensing and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW, insofar as they apply to state motor vehicle excise taxes, also apply to taxes imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, insofar as they apply to state sales and use taxes, also apply to taxes imposed under this section.

IV. HIGHWAYS OF STATEWIDE SIGNIFICANCE

Sec. 401. RCW 47.05.021 and 1998 c 245 s 95 and 1998 c 171 s 5 are each reenacted and amended to read as follows:

LEGISLATURE MAY DESIGNATE HIGHWAYS OF STATEWIDE SIGNIFICANCE. (1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based

thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140(~~(, and)~~). If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the ((1999)) legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

NEW SECTION. Sec. 402. A new section is added to chapter 47.05 RCW to read as follows:
DESIGNATION OF STATE ROUTE NUMBER 509 AND CROSSBASE HIGHWAY. (1) The legislature designates that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state highway of statewide significance.

(2) The legislature designates state route number 704 from state route number 5 to state route number 161 as a state highway of statewide significance.

NEW SECTION. Sec. 403. A new section is added to chapter 47.17 RCW to read as follows:
DESIGNATION OF CROSSBASE HIGHWAY. A state highway to be known as state route number 704 is established as follows:

Beginning at a junction with state route number 5 in south Pierce county, thence easterly across Fort Lewis to a junction with state route number 161.

V. FINANCE

NEW SECTION. Sec. 501. REGIONAL TRANSPORTATION INVESTMENT DISTRICT ACCOUNT. (1) The regional transportation investment district account is created in the custody of the state treasurer. The purpose of this account is to act as an account into which may be deposited state money, if any, that may be used in conjunction with district money to fund transportation projects. Additionally, the district may deposit funds into this account for disbursement, as appropriate, on transportation projects. Nothing in this section requires any state matching money. All money deposited in the regional transportation investment district account will be used for design, right of way acquisition, capital acquisition, and construction, or for the payment of debt service associated with these activities, for regionally funded projects developed under this chapter. Only the district may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) The money in the regional transportation investment district account must be expended as follows:

(a) Ninety percent must be used to implement transportation projects identified in the plan. The department of transportation must use the funds to implement transportation projects as defined in section 102 of this act and identified in the regional transportation investment plan; and

(b) Ten percent must be distributed to counties and cities for local projects as defined in section 102 of this act, identified in the ballot proposition and adopted transportation and land use plans of the jurisdiction spending the funds and consistent with an applicable and adopted metropolitan transportation plan. Of this amount, in a county with a population over one million five hundred thousand, seventy percent must be distributed to local projects in incorporated areas.

Sec. 502. RCW 47.56.075 and 1984 c 7 s 252 are each amended to read as follows:

TOLL ROADS--REGIONAL TRANSPORTATION INVESTMENT DISTRICTS. The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, city, town, or county.

Sec. 503. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

DEPOSIT OF SURPLUS BALANCE INVESTMENT EARNINGS--TREASURY INCOME ACCOUNT--ACCOUNTS AND FUNDS CREDITED. (*EFFECTIVE MARCH 1, 2002.*) (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington

University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 504. A new section is added to chapter 82.14 RCW to read as follows:
SALES AND USE TAX. If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and

use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles, as defined in RCW 46.04.320, are exempt from the sales and use tax imposed under this subsection.

NEW SECTION. Sec. 505. A new section is added to chapter 43.135 RCW to read as follows:

SALES AND USE TAX CREDIT SHIFT. A transfer or credit from the general fund of sales and use tax paid on a transportation project being constructed by a regional transportation investment district does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

Sec. 506. RCW 82.14.050 and 1999 c 165 s 14 are each amended to read as follows:

CONTRACTS FOR COLLECTION OF SALES AND USE TAX. The counties, cities, and transportation authorities under RCW 82.14.045 (~~and~~), public facilities districts under chapters 36.100 and 35.57 RCW, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter (~~which~~) that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts monthly.

NEW SECTION. Sec. 507. A new section is added to chapter 82.32 RCW to read as follows:

CREDIT ON SALES TAX ON PROJECTS. (1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a project to be constructed under chapter 36.-- RCW (sections 101 through 118, 201, and 501 of this act), must be transferred to the project or identified as a credit on the project to defray costs or pay debt service on that project.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing projects under chapter 36.-- RCW (sections 101 through 118, 201, and 501 of this act) shall report to the department the amount of state sales or use tax covered under this section.

NEW SECTION. Sec. 508. A new section is added to chapter 82.80 RCW to read as follows:

LOCAL OPTION VEHICLE LICENSE FEE. (1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may set and impose an annual local option vehicle license fee, or a schedule of fees based upon the age of the vehicle, of up to one hundred dollars per motor vehicle registered within the boundaries of the region on every motor vehicle, as defined in RCW 46.04.320. Vehicles registered under chapter 46.87 RCW and the International Registration Plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(2) The local option vehicle license fee applies only when renewing a vehicle registration. This fee is effective with the registration expiration date as provided by the department of licensing.

(3) A regional transportation investment district imposing the local option vehicle license fee or initiating an exemption process shall enter into a contract with the department of licensing. The

contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the fee.

(4) A regional transportation investment district imposing the local option fee shall delay the effective date of the local option vehicle license fee imposed by this section at least six months from the date of the final certification of the approval election to allow the department of licensing to implement the administration and collection of or exemption from the fee.

Sec. 509. RCW 81.100.010 and 1990 c 43 s 12 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE TAXES. The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high-occupancy vehicle system. RCW 81.100.030 and 81.100.060 provide taxing authority that counties or regional transportation investment districts can use in the near term to accelerate development and increase utilization of the high-occupancy vehicle system by supplementing available federal, state, and local funds.

Sec. 510. RCW 81.100.030 and 1991 c 363 s 153 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE EMPLOYER TAX.

(1) A county with a population of one million or more, or a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, and having within its boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the tax has not already been imposed by the county, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The county or investment district imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties or investment districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county or investment district shall adopt rules ~~((which))~~ that exempt from all or a portion of the tax any employer that has entered into an agreement with the county or investment district that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county or investment district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed ~~((by the county))~~, the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 511. RCW 81.100.060 and 1998 c 321 s 34 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE MOTOR VEHICLE EXCISE TAX. A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than 13.64 percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county and on the

state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090. The excise tax under this section applies only to renewal of vehicle registrations.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to ~~((state))~~ motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed ~~((by the county))~~, the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 512. RCW 82.80.030 and 1990 c 42 s 208 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE PARKING TAX. (1) Subject to the conditions of this section, the legislative authority of a county ~~((or))~~, city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city, or district includes only the area within its ~~((incorporated))~~ boundaries. If a city or county has imposed a tax under this section, the district may not impose a tax in those areas where a tax has already been imposed.

(2) In lieu of the tax in subsection (1) of this section, a city ~~((or))~~, a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city ~~((or))~~, county, or district may provide that:

- (a) The tax is paid by the operator or owner of the motor vehicle;
- (b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;
- (c) The tax is collected by the operator of the facility and remitted to the city ~~((or))~~, county, or district;
- (d) The tax is a fee per vehicle or is measured by the parking charge;
- (e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
- (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county ~~((or))~~, city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.-- RCW (sections 101 through 118, 201, and 501 of this act).

Sec. 513. RCW 82.80.070 and 1991 c 141 s 4 are each amended to read as follows:

REQUIRES THAT LOCAL OPTION TAXES IMPOSED BY DISTRICT BE USED FOR DISTRICT PROJECTS. (1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, 82.80.020, 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.-- RCW (sections 101 through 118, 201, and 501 of this act). Proceeds collected under RCW 82.80.010 by a district must be used exclusively for "highway purposes," as that term is construed under Article II, section 40 of the Washington state Constitution.

Sec. 514. RCW 82.80.080 and 1998 c 281 s 2 are each amended to read as follows:

LOCAL OPTION TAX REVENUE DISTRIBUTION. (1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

(2) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020 levied by qualifying cities and towns to the levying cities and towns.

(3) The state treasurer shall distribute to the district revenues, less authorized deductions, generated by the local option taxes under RCW 82.80.010 or fees under section 508 of this act levied by a district.

NEW SECTION. Sec. 515. A new section is added to chapter 82.80 RCW to read as follows:

DISTRICT DEFINED FOR LOCAL TAXES. For the purposes of this chapter, "district" means a regional transportation investment district created under chapter 36.-- RCW (sections 101 through 118, 201, and 501 of this act).

VI. OTHER PROVISIONS

NEW SECTION. Sec. 601. CAPTIONS AND SUBHEADINGS. Captions and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 602. TERMINATION OF DISTRICTS. Regional transportation investment districts and their powers and duties are terminated on June 30, 2006. However, nothing in this section may be construed as impairing a district created before June 30, 2006, from continuing to collect approved revenues and make payment on projects or debt incurred.

NEW SECTION. Sec. 603. CODIFICATION. Sections 101 through 118, 201, and 501 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 604. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 605. NULL AND VOID. This act is null and void if a transportation revenue act containing new or additional revenue does not become law by December 31, 2002."

Correct the title.

Representatives Jarrett, Mastin, Armstrong, Bush spoke in favor of the adoption of the amendment.

Representative Murray spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (023) to Substitute House Bill No. 2359.

ROLL CALL

The Clerk called the roll on the adoption of amendment (023) to Substitute House Bill No. 2359, and the amendment not adopted by the following vote: Yeas: 46 Nays: 49 Absent: 0 Excused: 3

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Ruderman, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 49.

Excused: Representatives Ballard, Hankins and Schindler - 3.

The bill was ordered engrossed.

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

Representative Fisher spoke in favor of passage of the bill.

Representatives Mitchell and Jarrett spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2359.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2359 and the bill passed the House by the following vote: Yeas: 51 Nays: 44 Absent: 0 Excused: 3

Voting yea: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 44.

Excused: Representatives Ballard, Hankins and Schindler - 3.

Engrossed Substitute House Bill No. 2359, having received the necessary constitutional majority, was declared passed.

There being no objection, the Rules Committee was relieved of House Joint Memorial 4021 and the bill was placed on the Second Reading calendar.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., February 1, 2002, the 19th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

EIGHTEENTH DAY, JANUARY 31, 2002

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from that in the original published version.**

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, February 1, 2002

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

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Esther Whitmore and Mariah Christen. Prayer was offered by Pastor Neal Neuenschwander, Lacey Presbyterian Church.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4684, by Representatives Woods, Rockefeller and Schmidt

WHEREAS, It is the policy of the Washington State House of Representatives to recognize achievements of Washington youth; and

WHEREAS, Little League and Babe Ruth baseball has long been an important activity for children in communities throughout our state; and

WHEREAS, On July 24, 2001, the Bainbridge Island Babe Ruth 14-year-old All-Stars team, managed by Mike Patterson, placed second in the state tournament; and

WHEREAS, On July 31, 2001, the Bainbridge Island Little League 11 and 12-year-old All-Stars team, managed by Don French, won their first-ever state majors title, thus qualifying for the Western Regional Tournament; and

WHEREAS, The Bainbridge Island Little League All-Stars team completed a six-game sweep of the regional tournament, thus qualifying for the Little League World Series as one of the 16 best Little League teams on Earth; and

WHEREAS, The Bainbridge Island Little League All-Stars team posted a 1-2 record at the World Series in Williamsport, Pennsylvania, winning one nationally televised game before being eliminated from the tournament by the two teams that played for the United States championship; and

WHEREAS, The 13 members of the Bainbridge Island Little League All-Stars team, one of only three teams in the tournament that did not play year-round, earned the unofficial ranking of number five team in the United States through their play; and

WHEREAS, The people of Bainbridge Island, who proudly supported the Bainbridge Island Little League All-Stars team throughout and even raised many thousands of dollars to help team family members travel to the World Series, honored their returning All-Stars with a downtown homecoming parade; and

WHEREAS, The Bainbridge Island Babe Ruth 14-year-old All-Stars are Jeremy Bjornson, Matt Frazee, Matt Koehler, David Lantz, Grant Leslie, Zach Peach, Kristopher Patterson, Kevin Roach, Ranger Sciacca, Joshua Truan, David Vander Hoek, and Jon Williams, managed by Mike Patterson, and coached by Geoff Roach, Kristian Patterson, and Butch Frazee; and

WHEREAS, The Bainbridge Island Little League All-Stars are Adam Beck, Jesse Colkitt, Dalton Gent, Coby Gibler, Tal Glass, Michael Heald, Nash Hensen, Peter Huisinga, Austin Hurt, Peter Leslie, Rudy Sharar, Robert Stevenson, and Taurean Yamada, managed by Don French, with assistance from Dick Henshaw and Greg Stevenson; and

WHEREAS, The Bainbridge Island Little League All-Stars comprised 13 members, more than any other team, because one of the original 12 members was injured during district and state play, and in a demonstration of sportsmanship, the coaches kept the 13th player on the team when the injured player returned;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and offer its congratulations to the managers and members of the Bainbridge Island Little League All-Stars and the Bainbridge Island Babe Ruth 14-year-old All-Stars, in recognition of their performance, sportsmanship, and representation of their community and state of Washington; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this resolution to the players and the managers of the Bainbridge Island Little League All-Stars team and the Bainbridge Island Babe Ruth 14-year-old All-Stars team.

Representative Woods moved the adoption of the resolution.

Representatives Woods and Rockefeller spoke in favor of the adoption of the resolution.

House Resolution No. 4684 was adopted.

HOUSE RESOLUTION NO. 2002-4690, by Representatives Cody, Conway, Schmidt and Talcott

WHEREAS, All citizens should be made aware of the safe, proper, effective, and efficient use of medications; and

WHEREAS, Nearly half of the medicines prescribed are used incorrectly contributing to prolonged illness, avoidable side effects and interactions, and unnecessary hospitalizations; and

WHEREAS, The efforts of our educational, state, and voluntary pharmacy organizations are instrumental in educating the public about safe and proper medication use; and

WHEREAS, Pharmacists are devoted to improving patient health care outcomes in collaboration with other health care providers in our community, hospital, managed care, nursing home, home health care, and research and industry sites; and

WHEREAS, Over the past ten years, national polls have continuously ranked pharmacists as the most highly respected professionals;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the pharmacists in the State of Washington for the vital service they provide their communities and their contribution to the advancement of high quality, cost-effective health care.

Representative Cody moved the adoption of the resolution.

Representative Cody spoke in favor of the adoption of the resolution.

House Resolution No. 4690 was adopted.

HOUSE RESOLUTION NO. 2002-4692, By Representatives Quall, Mulliken, McDermott, Dunn, O'Brien, Schindler, Upthegrove, Schmidt, Miloscia, Romero and Talcott

WHEREAS, Catholic educators have been teaching in Washington state for more than one hundred forty years, beginning with the Sisters of Providence at Fort Vancouver; and

WHEREAS, More than twenty-nine thousand students currently receive their education in the ninety-one elementary and secondary Catholic schools in the state of Washington; and

WHEREAS, The dedicated men and women who teach and administer these schools produce academically strong students who also commit themselves to service; and

WHEREAS, Catholic schools have trained many of the finest leaders in professions and occupations throughout this state and nation; and

WHEREAS, Several Catholic schools have been recognized by the United States Department of Education as "Schools of Excellence"; and

WHEREAS, All Catholic schools around the entire country are celebrating "Catholic Schools 2002: Where Faith and Knowledge Meet";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Catholic schools of Washington state and honor their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 27 through February 3, 2002; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, and the Diocese of Yakima.

There being no objection, House Resolution No. 4692 was adopted.

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

SECOND READING

HOUSE JOINT MEMORIAL NO. 4021, by Representatives Buck, Rockefeller, Chandler, Holmquist, Schoesler, Mulliken, Sump, Cox, Pflug, Delvin, Cairnes, Sehlin, Armstrong, Jackley, Ballasiotes, Ahern, Talcott, Nixon, Jarrett, Skinner, Anderson, Lovick, Kenney, Morell, Schmidt, Miloscia, Simpson, Berkey, Lantz, Darneille, Fromhold, Hunt, Cooper, Conway, Casada, Esser, Campbell, Dunshee, Sommers, Gombosky, Ruderman, Eickmeyer, Kagi, Tokuda, Doumit, Sullivan, Cody, Wood, Pearson, Van Luven, Kessler, Chase, Ogden, Haigh and Woods

Honoring West Point on its 200th Anniversary.

The joint memorial was read the second time.

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

Representatives Buck, Sump, Rockefeller and Miloscia spoke in favor of passage of the joint memorial.

MOTION

On motion of Representative Woods, Representatives Ballard, Campbell, Hankins and Schindler were excused.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4021.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4021 and the joint memorial passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballard, Campbell, Hankins, and Schindler - 4.

House Joint Memorial No. 4021, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 1, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

HOUSE JOINT MEMORIAL NO. 4021,

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE JOINT MEMORIAL NO. 4021,

INTRODUCTION & FIRST READING

HB 2855 by Representatives McMorris, Anderson, Holmquist, Mielke, Boldt, Nixon, Pearson, Dunn, Casada, Morell, Pflug, Schmidt, Bush, Lisk, Esser, Schoesler, Woods, Mulliken and Alexander

AN ACT Relating to regulatory reform for small businesses; amending RCW 34.05.360 and 34.05.570; adding a new section to chapter 34.05 RCW; and creating a new section.

HB 2885 by Representatives Schual-Berke, Skinner, Tokuda, Kagi, Jarrett, Darneille, Conway, Chase, Santos, Ogden, Lysen, Linville and McDermott

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

Referred to Committee on Agriculture & Ecology.

HB 2886 by Representatives Simpson, Wood, Cooper, Lovick, Dunshee, Santos, Conway, Chase, Lysen and Kenney

AN ACT Relating to fire detection devices for the hearing impaired; and amending RCW 48.48.140.

Referred to Committee on Local Government & Housing.

HB 2887 by Representatives Sommers and Lantz

AN ACT Relating to restricting public reimbursement of criminal defendants; and amending RCW 9A.16.110.

Referred to Committee on Judiciary.

HB 2888 by Representatives Cairnes and O'Brien

AN ACT Relating to the availability of funds from convicted criminals for compensating victims of crime; amending RCW 7.68.320; adding new sections to chapter 7.68 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 4.56 RCW; adding a new section to chapter 4.96 RCW; adding a new section to chapter 35.31 RCW; adding a new section to chapter 36.33 RCW; repealing RCW 7.68.200, 7.68.210, 7.68.220, 7.68.230, 7.68.240, 7.68.250, 7.68.260, 7.68.270, and 7.68.280; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2889 by Representatives Cody, Chase, Kenney and McDermott

AN ACT Relating to arthritis prevention and control; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

HB 2890 by Representatives Grant, Delvin, Ericksen, Dunshee, Armstrong and Wood

AN ACT Relating to contracts or agreements between cigarette retailers and manufacturers in respect to cigarette merchandising, advertising, display, or promotion programs; and adding a new section to chapter 19.91 RCW.

Referred to Committee on Health Care.

HB 2891 by Representatives Sommers, Sullivan, Simpson, Cooper, O'Brien, Chase, Conway, Santos, Ogden, Casada and Morell

AN ACT Relating to determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards; and amending RCW 41.16.010, 41.16.020, and 41.26.110.

Referred to Committee on Appropriations.

HB 2892 by Representatives Clements, Linville, Grant, Lisk, Armstrong, Mulliken, Chandler, Holmquist, Schoesler, Hatfield and Ogden

AN ACT Relating to selling apples for fresh consumption; and amending RCW 15.17.210.

Referred to Committee on Agriculture & Ecology.

HB 2893 by Representatives Clements and Conway

AN ACT Relating to farm equipment dealers.

Referred to Committee on Commerce & Labor.

HB 2894 by Representatives Anderson, Pflug, Esser, Nixon, Roach, Cairnes, Pearson, Bush, Morell and Casada

AN ACT Relating to a mandatory report by regional transit authorities; amending RCW 81.112.070 and 81.112.080; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2895 by Representatives Kessler, Chase and Ogden

AN ACT Relating to allowing port employees to join more than one retirement plan subject to a labor agreement; and amending RCW 53.08.170.

Referred to Committee on Appropriations.

HB 2896 by Representatives Cooper, Delvin, Conway, Campbell, Kirby, Hurst, Jackley, Sullivan, Chase, Darneille, Santos, Ogden, Quall, Morell, Simpson, Schual-Berke, Fromhold, McDermott and Romero

AN ACT Relating to retirement benefits for emergency medical technicians; reenacting and amending RCW 41.26.030; adding a new section to chapter 41.26 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

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

MOTION

Representative DeBolt moved that the rules be suspended, and House Bill No. 2855 be placed on the Second Reading calendar.

Representative DeBolt spoke in favor of the motion.

Representative Kessler spoke against the motion.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of motion to suspend the rules and to place House Bill No. 2855 on Second Reading.

ROLL CALL

The Clerk called the roll on the adoption of motion to suspend the rules and to place House Bill No. 2855 on Second Reading and the motion was adopted by the following vote: Yeas: 46 Nays: 50 Absent: 0 Excused: 2

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Hankins and Schindler - 2.

There being no objection, House Bill No. 2855 was referred to the Committee on State Government.

REPORTS OF STANDING COMMITTEES

January 30, 2002

HB 1277 Prime Sponsor, Representative Bush: Regarding residential landlord-tenant relationships.
Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken,

Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 1395 Prime Sponsor, Representative Eickmeyer: Encouraging retention and enhancement of the job base in rural counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Excused: Representative Kirby

Passed to Committee on Rules for second reading.

January 30, 2002

HB 1433 Prime Sponsor, Representative Cooper: Requiring disclosure of fire protection and building safety information. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Dunn, Hatfield and Sullivan.

Voting nay: Representatives Crouse and Mielke.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 1454 Prime Sponsor, Representative Fisher: Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chair; Mitchell, Ranking Minority Member; Anderson; Edwards; Haigh; Hankins; Hatfield; Jackley; Jarrett; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen; Holmquist; Mielke and Morell.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Edwards, Haigh, Hankins, Hatfield, Jackley, Jarrett, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

Voting nay: Representatives Ericksen, Holmquist, Mielke and Morell.

Excused: Representatives Armstrong, and Schindler.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 1627 Prime Sponsor, Representative Fromhold: Using revenues under the county conservation futures levy. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Jackley; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck; Ericksen; Orcutt and Pearson.

Voting yea: Representatives Doumit, Rockefeller, Eickmeyer, Jackley, McDermott and Upthegrove.

Voting nay: Representatives Sump, Buck, Ericksen, Orcutt and Pearson.

Referred to Committee on Finance.

January 30, 2002

HB 2170 Prime Sponsor, Representative Alexander: Modifying election provisions for the creation of a lake management district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Excused: Representative Kirby

Passed to Committee on Rules for second reading.

January 29, 2002

HB 2307 Prime Sponsor, Representative Doumit: Providing flexibility in the operation of the timber substitution rules. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Buck; Eickmeyer; Jackley; McDermott; Orcutt and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Ericksen and Pearson.

Voting yea: Representatives Doumit, Rockefeller, Buck, Eickmeyer, Jackley, McDermott, Orcutt and Upthegrove.

Voting nay: Representatives Sump, Ericksen and Pearson.

Referred to Committee on Appropriations.

January 30, 2002

HB 2328 Prime Sponsor, Representative Romero: Limiting restrictions on residential day-care facilities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2330 Prime Sponsor, Representative Kenney: Providing for the expansion of the definition of resident tuition at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Jarrett and Lantz.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn and Lantz.

Excused: Representatives Gombosky and Skinner.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2403 Prime Sponsor, Representative Kenney: Providing for collective bargaining at four-year institutions of higher education. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements, Chandler and McMorris.

Referred to Committee on Appropriations.

January 30, 2002

HB 2436 Prime Sponsor, Representative Eickmeyer: Allowing the issuance of a group fishing permit to a facility. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2438 Prime Sponsor, Representative Kenney: Expanding the running start program to allow participation by The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Jarrett and Lantz.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn and Lantz.
Excused: Representatives Gombosky and Skinner.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2440 Prime Sponsor, Representative Romero: Integrating transportation and land use planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chair; Edwards; Haigh; Hatfield; Jackley; Jarrett; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Hankins; Holmquist; Mielke; Morell; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Edwards, Haigh, Hatfield, Jackley, Jarrett, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting nay: Representatives Mitchell, Anderson, Ericksen, Hankins, Holmquist, Mielke, Morell, Skinner, and Woods.

Excused: Representatives Armstrong and Schindler.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2450 Prime Sponsor, Representative Hatfield: Updating the Washington trade center act to authorize electronic commerce activities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Excused: Representative Kirby.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2467 Prime Sponsor, Representative Sullivan: Modifying county treasurer provisions. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2476 Prime Sponsor, Representative Lovick: Authorizing release of mental health services information to department of corrections. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2492 Prime Sponsor, Representative Kenney: Revising provisions for college payment programs. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Jarrett and Lantz.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn and Lantz.
Excused: Representatives Gombosky and Skinner.

Referred to Committee on Appropriations.

January 30, 2002

HB 2493 Prime Sponsor, Representative Jackley: Removing the limitation on the number of volunteer fire fighters. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2495 Prime Sponsor, Representative Mulliken: Updating outdated fire district statutes to increase efficiency. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Referred to Committee on Finance.

January 30, 2002

HB 2496 Prime Sponsor, Representative Dunshee: Modifying fire protection district tax provisions.
Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2511 Prime Sponsor, Representative O'Brien: Making any robbery within a financial institution a first degree robbery. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

January 30, 2002

HB 2537 Prime Sponsor, Representative McIntire: Providing authorization for projects recommended by the public works board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2557 Prime Sponsor, Representative Lovick: Revising provisions relating to metropolitan park districts. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2625 Prime Sponsor, Representative Linville: Allowing the use of purse seine and other lawful fishing gear in certain waters. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

January 30, 2002

HJR 4220 Prime Sponsor, Representative Dunshee: Amending the Constitution to restrict the number of years excess levies by fire protection districts can be made. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 1189, by Representatives Lantz, Dunn, Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood; by request of Department of Community, Trade, and Economic Development

Enforcing protection of archaeological sites.

The bill was read the second time. There being no objection, Substitute House Bill No. 1189 was substituted for House Bill No. 1189 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1189 was read the second time.

The Speaker announced that House Bill No. 1189 was co-prime sponsored by Representatives Lantz and Dunn.

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

Representatives Lantz, Dunn and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1189.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the House by the following vote: Yeas: 87 Nays: 09 Absent: 0 Excused: 2

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 87

Voting nay: Representatives Anderson, Boldt, Bush, Casada, Cox, Crouse, Mielke, Morell and Roach - 9.

Excused: Representatives Hankins and Schindler - 2.

Substitute House Bill No. 1189, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., February 4, 2002, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

NINETEENTH DAY, FEBRUARY 1, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 4, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joseph Horney and Stephanie Miller. The Speaker (Representative Ogden presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Representative Brad Benson.

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

The Speaker assumed the chair.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4694, by Representatives Holmquist, Linville, Grant, Roach, Sump, Chandler, Kirby, Delvin, Schoesler, Cooper, Mulliken, Quall, Hunt, Hatfield, Benson, Conway, Boldt and Hankins

WHEREAS, The Washington State House of Representatives recognizes the remarkable contribution of the beef cattle industry to the state's economy; and

WHEREAS, The state still boasts many full-size cattle operations and 70% of Washington's cattle are owned by less than 10% of the beef producers; and

WHEREAS, Cash receipts from beef cattle in Washington totaled over 560 million dollars in 2000, a 23% increase from 1999, making cattle and calves the third largest commodity within the largest industry in the state; and

WHEREAS, In 1900 there were only 465,000 head of cattle in Washington state. Today Washington's beef cattle growers manage approximately 1.3 million head of cattle and calves annually; and

WHEREAS, Approximately 9,000 farmers and ranchers in Washington are employed as beef producers; and

WHEREAS, The amazing natural resource base of this state has facilitated a doubling of the cow herd in the last 100 years; and

WHEREAS, One-third of the state's land base is in pastureland or rangeland; and

WHEREAS, Cattle represent the largest agricultural commodity in the nation, contributing 70 billion dollars last year to the United States economy; and

WHEREAS, Americans uphold this industry by eating, pound for pound, more beef than any other meat;

NOW, THEREFORE, BE IT RESOLVED, That the hard work of the men and women who handle beef cattle is hereby recognized by the Washington State House of Representatives; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Beef Commission and the Washington Cattlemen's Association.

Representative Holmquist moved the adoption of the resolution.

Representatives Holmquist, Linville and Schoesler spoke in favor of the adoption of the resolution.

House Resolution No. 4694 was adopted.

MESSAGES FROM THE SENATE

February 1, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5624,
SENATE BILL NO. 5629,

SENATE BILL NO. 5683,
ENGROSSED SENATE BILL NO. 5692,
SENATE BILL NO. 5699,
SENATE BILL NO. 5735,
SENATE BILL NO. 5739,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5777,
SUBSTITUTE SENATE BILL NO. 5791,
SENATE BILL NO. 5829,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5906,
and the same are herewith transmitted.

Tony M. Cook, Secretary

February 1, 2002

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4021,
and the same is herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2897 by Representatives Grant, Cairnes, Linville, Ericksen, Reardon, Crouse, Hatfield, Benson, Hurst, Clements, Holmquist, Mulliken, Delvin, Schmidt, Armstrong, Chase, Sehlin, Buck, Dunn, Ahern, McMorris, Kessler, Morris, Bush, Carrell, Schindler, Alexander, Skinner, Pearson, Schoesler, Lisk, Mielke, Boldt, Lovick, Fromhold, Talcott, Hankins, Pflug, Chandler, Nixon, Esser and Sullivan

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

HB 2898 by Representative Dunshee

AN ACT Relating to the use of money from additional taxes, interest, or penalties received under the current use program; amending RCW 84.34.100; and adding a new section to chapter 84.33 RCW.

Referred to Committee on Appropriations.

HB 2899 by Representatives Kenney, Fromhold, Chase, Conway, Tokuda and Wood

AN ACT Relating to creating a trust account to ensure that all statewide student financial aid is made available.

Referred to Committee on Higher Education.

HB 2900 by Representatives Kessler, DeBolt, Fromhold, Delvin and Clements

AN ACT Relating to consistency in gaming provisions; amending RCW 9.46.010, 9.46.0273, 9.46.0325, 9.46.070, and 9.46.110; adding a new section to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2901 by Representatives Conway, Clements, Reardon, Berkey, Kenney, Santos, Lovick, Chase, Simpson, Wood and Sullivan

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

Referred to Committee on Commerce & Labor.

HB 2902 by Representatives Santos, McDermott and Kenney

AN ACT Relating to local government utility authority; amending RCW 35.92.010 and 35.92.050; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2903 by Representatives Morell, Ballasiotes, Ahern, Schmidt and Roach

AN ACT Relating to hate crimes; amending RCW 9.94A.535; adding a new section to chapter 9A.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2904 by Representatives Clements, Chandler, McMorris and Mulliken

AN ACT Relating to the provision of greater predictability and consistency in the state wage and hour laws; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2905 by Representatives Clements, Chandler, McMorris and Mulliken

AN ACT Relating to simplifying and adding certainty to the calculation of workers' compensation benefits; amending RCW 51.08.178 and 51.32.095; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESB 5624 by Senator Kohl-Welles

AN ACT Relating to the disclosure of fire protection and building safety information; and amending RCW 59.18.060.

Referred to Committee on Local Government & Housing.

SB 5629 by Senators Patterson and Horn; by request of Office of Financial Management

AN ACT Relating to the office of financial management's budgeting, accounting, and reporting requirements for state agencies; amending RCW 43.88.160, 79.44.040, 79.44.050, 79.44.070, 79.44.080, and 79.44.140; and repealing RCW 79.44.180.

Referred to Committee on State Government.

SB 5683 by Senators Horn and Haugen; by request of Washington State Patrol

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Local Government & Housing.

ESB 5692 by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

AN ACT Relating to authorizing the participation of youth as decision makers in dispositions of minor offenses and rules violations; amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and adding a new chapter to Title 3 RCW.

Referred to Committee on Juvenile Justice & Family Law.

SB 5699 by Senators Carlson, Benton, Honeyford, Hale and Zarelli

AN ACT Relating to the Washington state scholars program; amending RCW 28A.600.100 and 28A.600.110; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

SB 5735 by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

AN ACT Relating to motorcycle taillights; and amending RCW 46.37.100.

Referred to Committee on Transportation.

SB 5739 by Senators Gardner, Rasmussen, Eide, Sheahan, Horn and Kohl-Welles

AN ACT Relating to the Program for Agency Coordinated Transportation; and amending RCW 47.06B.015.

Referred to Committee on Transportation.

ESSB 5777 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice, Winsley, Thibaudeau, Deccio and Rasmussen)

AN ACT Relating to health care benefits for retirees of local government employers; adding new sections to chapter 41.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

SSB 5791 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Sheahan, Patterson, McCaslin, Constantine, Johnson, Costa, Kohl-Welles, Deccio, Roach and Winsley)

AN ACT Relating to actions and proceedings for damages brought against law enforcement officers; and amending RCW 4.96.041.

Referred to Committee on Judiciary.

SB 5829 by Senators Prentice, Patterson and Swecker

AN ACT Relating to cooperative activities by local governments; amending RCW 70.44.450; and creating a new section.

Referred to Committee on Health Care.

2ESSB 5906 by Senate Committee on Education (originally sponsored by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles)

AN ACT Relating to technology planning for public schools; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 2897.

MOTION

Representative DeBolt moved that the rules be suspended and House Bill No. 2897 be placed on Second Reading.

Representative DeBolt spoke in favor of the motion.

Representative Grant spoke against the motion.

MOTION

On motion of Representative Woods, Representatives Casada and Jarrett were excused.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of the motion by Representative DeBolt to suspend the rules and place House Bill No. 2897 on Second Reading.

ROLL CALL

The Clerk called the roll on the adoption of the motion by Representative DeBolt to suspend the rules and place House Bill No. 2897 on Second Reading, and the motion was not adopted by the following vote: Yeas: 46 Nays: 50 Absent: 0 Excused: 2

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Casada and Jarrett - 2.

House Bill No. 2897 was referred to the Committee on Finance.

REPORTS OF STANDING COMMITTEES

January 31, 2002

HB 1612 Prime Sponsor, Representative Romero: Adding an ex officio member to the building code council. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Crouse, Dunn and Mielke.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 1856 Prime Sponsor, Representative Morell: Excusing student absences for state-recognized search and rescue activities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 1991 Prime Sponsor, Representative Lantz: Changing provisions relating to information sharing between schools and juvenile justice and care agencies. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 2, line 6, after "Notice" insert "by regular first class mail"

On page 6, line 9, after "copy" insert "by regular first class mail"

On page 6, line 19, after "copy" insert "by regular first class mail"

On page 6, line 36, after "copy" insert "by regular first class mail"

On page 7, line 9, after "copy" insert "by regular first class mail"

Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Carrell, Eickmeyer and Tokuda.

Excused: Representative Armstrong.

Referred to Committee on Appropriations.

January 30, 2002

HB 2033 Prime Sponsor, Representative Kagi: Allowing juveniles to get occupational drivers' licenses. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Eickmeyer and Tokuda.

Voting nay: Representative Carrell.

Excused: Representative Armstrong.

Passed to Committee on Rules for second reading.

January 31, 2002

SHB 2190 Prime Sponsor, Committee on Education: Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson Cox; McDermott; Rockefeller; Santos, Schindler and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2346 Prime Sponsor, Representative Darneille: Updating the uniform parentage act. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Eickmeyer and Tokuda.

Voting nay: Representative Carrell.

Excused: Representative Armstrong.

Referred to Committee on Appropriations.

January 30, 2002

HB 2347 Prime Sponsor, Representative Darneille: Modifying the uniform interstate family support act. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Eickmeyer and Tokuda.

Voting nay: Representative Carrell.

Excused: Representative Armstrong.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2353 Prime Sponsor, Representative Alexander: Providing for loss prevention review teams.
Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; and Boldt.

Voting yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting nay: Representatives Carrell and Boldt.
Excused: Representative Esser.

Referred to Committee on Appropriations.

January 30, 2002

HB 2386 Prime Sponsor, Representative Simpson: Classifying members of the Washington national guard as resident students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Jarrett and Lantz.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn and Lantz.
Excused: Representatives Gombosky and Skinner.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2406 Prime Sponsor, Representative O'Brien: Creating a statewide registered sex offender web site. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2410 Prime Sponsor, Representative Cairnes: Authorizing advisory board of plumbers to advise department of labor and industries on proposed legislation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.
Voting nay: Representatives Chandler and McMorris.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2416 Prime Sponsor, Representative Hurst: Authorizing additional investigative tools to deter terrorism. Reported by Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Passed to Committee on Rules for second reading.

January 30, 2002

HB 2424 Prime Sponsor, Representative Schual-Berke: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson and Cox.

Voting yea: Representatives Quall, Haigh, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting nay: Representatives Talcott, Anderson and Cox.

Excused: Representative Schindler.

Referred to Committee on Capital Budget.

January 31, 2002

HB 2508 Prime Sponsor, Representative Berkey: Revising provisions relating to medical plans for elected city officials. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2524 Prime Sponsor, Representative Chase: Transmitting city and town budgets to the municipal research and services center. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2525 Prime Sponsor, Representative Lysen: Making consistent rules for calling special meetings in cities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Edwards, Vice Chairman; and Kirby.

Voting yea: Representatives Dunshee, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Mielke and Sullivan.

Voting nay: Representatives Edwards and Kirby.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2526 Prime Sponsor, Representative Berkey: Providing exemptions from SEPA for reductions of city limits and disincorporations. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2723 Prime Sponsor, Representative Ogden: Revising Public-Private Transportation Initiatives. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Vice Chairman; Lovick, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Fisher, Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Holmquist; Jarrett; Mielke; Morell and Skinner.

Voting yea: Representatives Cooper, Lovick, Edwards, Haigh, Hatfield, Jackley, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting nay: Representatives Fisher, Mitchell, Anderson, Armstrong, Ericksen, Holmquist, Jarrett, Mielke, Morell, Skinner and Woods.

Excused: Representatives Hankins and Schindler.

January 30, 2002

HJR 4219 Prime Sponsor, Representative Schual-Berke: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Anderson; Cox; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member.

Voting yea: Representatives Quall, Haigh, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting nay: Representative Talcott.

Excused: Representative Schindler.

Referred to Committee on Capital Budget.

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

There being no objection, House Bill No. 2723 was placed on the Second Reading calendar.

SECOND READING

HOUSE BILL NO. 2723, by Representatives Ogden, Rockefeller, Lantz, Jackley, Eickmeyer, Haigh and Chase

Revising Public-Private Transportation Initiatives.

The bill was read the second time.

Representative Ericksen moved the adoption of the following amendment (027):

On page 2, line 33, after "shall" insert "continue to"

On page 3, line 3, after "develop" strike "up to six" and insert "~~((up to six))~~"

On page 3, line 5, after "each" strike "of the six agreements shall" and insert "~~((of the six agreements shall))~~ agreement must"

On page 3, line 21, after "to the" strike "1997" and insert "~~((1997))~~ 2003"

Representative Ericksen spoke in favor of adoption of the amendment.

Representative Ogden spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Woods moved the adoption of amendment (024):

On page 8, line 11, after "PROJECTS." insert "(1)"

On page 8, after line 19, insert the following:

"(2) If construction of a toll facility authorized under this chapter commences within three years of the effective date of this act, the toll facility must use transponder technology to aid in collecting tolls. In developing standards and soliciting bids for electronic toll collection, the

department shall examine and evaluate all reasonably available technology and shall develop standards that do not favor one technology over another."

Representatives Woods and Mitchell spoke in favor of the adoption of the amendment.

Representatives Ogden and Jackley spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (024) to House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the adoption of amendment (024) to House Bill No. 2723, and the amendment not adopted by the following vote: Yeas: 46 Nays: 50 Absent: 0 Excused: 2

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Casada and Jarrett - 2.

With the consent of the House, amendment (025) was withdrawn.

Representative Woods moved the adoption of amendment (028):

On page 10, after line 8, insert the following:

"(3) Notwithstanding the provisions of subsection 2(a) of this section, upon satisfaction of the conditions enumerated in subsection (1) of this section:

(a) The facility must be operated as a toll-free facility; and

(b) The operation, maintenance, upkeep, and repair of the facility must be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington."

Representatives Woods and Ogden spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Carrell moved the adoption of amendment (029):

On page 12, after line 14, insert the following:

"**NEW SECTION. Sec. 14.** A new section is added to chapter 47.46 RCW to read as follows:

Any alteration of a proposal under section 13 of this act must include provisions for reversible lanes to accommodate commuter traffic, with the traffic flow during the morning peak-use period directed east into Tacoma and in the evening peak-use period directed west away from Tacoma."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Ogden spoke against the adoption of the amendment.

Representative DeBolt demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (029) to House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the adoption of amendment (029) to House Bill No. 2723, and the amendment not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Casada, and Jarrett - 2.

Representative Woods moved the adoption of amendment (026):

On page 17, beginning on line 25, strike all of section 18 and insert the following:

"NEW SECTION. Sec. 18. A new section is added to chapter 47.46 RCW to read as follows:
CREDIT ON SALES TAX. (1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements under this chapter must be transferred to the project or identified as a credit on the project to lower the overall cost of the project and thereby the amount or term of the tolls.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing projects eligible for a transfer or credit of taxes under this section shall report the amount of state sales or use tax covered under this section to the department of revenue.

NEW SECTION. Sec. 19. A new section is added to chapter 43.135 RCW to read as follows:
PROJECT SALES AND USE TAX CREDIT SHIFT. Any transfer or credit from the general fund of sales and use tax paid under section 18 of this act does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4)."

Renumber the sections following consecutively, correct any internal references accordingly, and correct the title.

Representatives Woods, Mitchell and Woods (again) spoke in favor of the adoption of the amendment.

Representatives Ogden and Rockefeller spoke against the adoption of the amendment.

Representative DeBolt demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (026) to House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the adoption of amendment (026) to House Bill No. 2723, and the amendment not adopted by the following vote: Yeas: 46 Nays: 50 Absent: 0 Excused: 2

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Casada and Jarrett.

The bill was ordered engrossed.

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

Representatives Ogden, Jackley, Rockefeller and Ogden (again) spoke in favor of passage of the bill.

Representatives Mitchell, Clements, Talcott and Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2723.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2723 and the bill passed the House by the following vote: Yeas: 52 Nays: 44 Absent: 0 Excused: 2

Voting yea: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Fisher, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Reardon, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump and Talcott - 44.

Excused: Representatives Casada and Jarrett - 2.

Engrossed House Bill No. 2723, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 2723.

AARON REARDON, 38TH DISTRICT

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., February 5, 2002, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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HOUSE OF REPRESENTATIVES

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JOURNAL OF THE HOUSE

TWENTY SECOND DAY, FEBRUARY 4, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 5, 2002

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

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

INTRODUCTION & FIRST READING

HB 2906 by Representatives Carrell, Mulliken, Talcott, Woods, DeBolt, Sump, Schmidt, Bush, Holmquist, Morell, Crouse, Ahern, Anderson, Benson, Clements, Buck, Nixon, Chandler, Esser, Roach, Armstrong, Casada, Cox, Schoesler, Ballasiotes, Van Luven, Ericksen, Orcutt, Dunn, Boldt, Cairnes, Delvin, Skinner, Mitchell, Alexander, McMorris, Pearson and Pflug

AN ACT Relating to reducing the number of employees in the Washington management service; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 2907 by Representatives Schoesler, Romero, Alexander, Murray, Ogden, Mitchell and Nixon

AN ACT Relating to fund-raising efforts for the state legislative building renovation project; amending RCW 42.52.800; adding a new section to chapter 27.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

HB 2908 by Representative Berkey; by request of Department of Revenue

AN ACT Relating to tax exemptions for organ procurement organizations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.

Referred to Committee on Finance.

HB 2909 by Representative Alexander

AN ACT Relating to authorizing retirement incentive programs; amending RCW 41.32.480, 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.180, 41.40.630, 41.40.820, and 43.43.250; adding a new chapter to Title 41 RCW; and providing an expiration date.

Referred to Committee on Appropriations.

HB 2910 by Representatives Kenney and McIntire

AN ACT Relating to state route number 513; and amending RCW 47.17.695.

Referred to Committee on Transportation.

HB 2911 by Representative Sehlin

AN ACT Relating to requiring appellants of certain land use decisions to file a bond for the potential payment of attorneys' fees; and amending RCW 4.84.370.

Referred to Committee on Judiciary.

HB 2912 by Representatives Pflug, Ruderman, Anderson, Simpson, Nixon and Cairnes

AN ACT Relating to municipal sales tax revenue equalization; and amending RCW 82.14.210.

Referred to Committee on Appropriations.

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

REPORTS OF STANDING COMMITTEES

January 30, 2002

HB 1118 Prime Sponsor, Representative Lovick: Regulating traffic safety cameras. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Edwards; Ericksen; Haigh; Hankins; Hatfield; Jackley; Jarrett; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist; Mielke; Morell and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Edwards, Haigh, Hatfield, Jackley, Jarrett, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan and Wood.

Voting nay: Representatives Hankins, Holmquist, Mielke, Morell and Woods.

Excused: Representatives Armstrong, Ericksen and Schindler.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 1363 Prime Sponsor, Representative Cairnes: Increasing the building code council fee. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Appropriations.

January 31, 2002

HB 1437 Prime Sponsor, Representative Kessler: Authorizing a primary for park and recreation district commissioner elections. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, Hatfield, Kirby and Sullivan.

Voting nay: Representatives DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 1444 Prime Sponsor, Representative Murray: Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Excused: Representative Schindler.

January 31, 2002

HB 1630 Prime Sponsor, Representative Dunn: Modifying mobile home relocation assistance. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Dunn; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; and Crouse.

Voting yea: Representatives Dunshee, Edwards, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Voting nay: Representatives Mulliken, Crouse and DeBolt.

Referred to Committee on Appropriations.

January 31, 2002

HB 1791 Prime Sponsor, Representative Dunn: Establishing a certification program for mobile home park managers. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt and Mielke.

Voting yea: Representatives Dunshee, Edwards, Dunn, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Berkey, Crouse, DeBolt and Mielke.

Referred to Committee on Appropriations.

January 31, 2002

HB 2319 Prime Sponsor, Representative Buck: Revising provisions for emergency management.
Reported by Select Committee on Community Security

MAJORITY recommendation: Do pass as amended.

On page 6, line 16, strike "decontamination."

Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2325 Prime Sponsor, Representative Wood: Providing for donation and distribution of food.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Grant, Holmquist, Kirby, Quall, Roach and Sump.
Voting nay: Representative Dunshee.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2357 Prime Sponsor, Representative Veloria: Addressing community renewal. Reported by
Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2358 Prime Sponsor, Representative Upthegrove: Revising provisions relating to annexation of unincorporated territory with boundaries contiguous to two municipal corporations. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2364 Prime Sponsor, Representative Dickerson: Allowing sick leave to care for family members. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.
Voting nay: Representatives Clements, Chandler and McMorris.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2366 Prime Sponsor, Representative Ogden: Clarifying acceptance of gifts by the archives and oral history program. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, McMorris, McDermott, Schmidt and Upthegrove.
Excused: Representatives Miloscia and Schindler.

Referred to Committee on Appropriations.

February 1, 2002

HB 2397 Prime Sponsor, Representative Linville: Regulating organic food products. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2398 Prime Sponsor, Representative Buck: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Jackley, McDermott, Orcutt, Pearson and Upthegrove.
Excused: Representative Ericksen.

Referred to Committee on Appropriations.

February 1, 2002

HB 2408 Prime Sponsor, Representative Romero: Creating the combined fund drive account. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, McMorris, McDermott, Schmidt and Upthegrove.
Excused: Representatives Miloscia and Schindler.

Referred to Committee on Appropriations.

February 1, 2002

HB 2413 Prime Sponsor, Representative Veloria: Requiring business subsidy disclosure. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Chase; Fromhold and Gombosky.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Ranking Minority Member; Ahern; Dunn and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Chase, Fromhold and Gombosky.
Voting nay: Representatives Van Luven, Ahern, Dunn and Mulliken.

Referred to Committee on Appropriations.

February 1, 2002

HB 2421 Prime Sponsor, Representative Morell: Exempting from public inspection specified information on correctional facilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schmidt and Upthegrove.
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2435 Prime Sponsor, Representative Jackley: Setting fees for the production of duplicate fish and wildlife license documents. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2441 Prime Sponsor, Representative Crouse: Modifying the duties of the joint committee on energy supply. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, Delvin, Esser, Hunt, Linville, Lysen, Mielke, Nixon, Reardon, Sullivan and Wood.
Excused: Representatives DeBolt and Pflug.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2446 Prime Sponsor, Representative Miloscia: Setting time limits for review of water and sewer general comprehensive plans. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; Dunn; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives DeBolt.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, Dunn, Hatfield, Kirby, Mielke and Sullivan.
Voting nay: Representative DeBolt.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2465 Prime Sponsor, Representative Sehlin: Defining rural counties for purposes of sales and use tax for public facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Chase; Fromhold and Gombosky.

MINORITY recommendation: Do not pass. Signed by Representatives Van Luven, Ranking Minority Member; Ahern; Dunn and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Chase, Fromhold and Gombosky.
Voting nay: Representatives Van Luven, Ahern, Dunn and Mulliken.

Referred to Committee on Finance.

February 1, 2002

HB 2471 Prime Sponsor, Representative Esser: Changing the methodology of determining the number of district court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Bolt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2472 Prime Sponsor, Representative Lantz: Correcting references to the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Bolt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2477 Prime Sponsor, Representative O'Brien: Removing requirement for department of corrections to file satisfaction of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2478 Prime Sponsor, Representative Clements: Clarifying the restrictions concerning occupational licenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Hurst, Vice Chairman; Carrell, Ranking Minority Member; and Lovick.

Voting yea: Representatives Lantz, Boldt, Dickerson, Esser, Jarrett and Lysen.

Voting nay: Representatives Hurst, Carrell and Lovick.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2498 Prime Sponsor, Representative Fromhold: Establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2500 Prime Sponsor, Representative Hunt: Improving notice to rule-making petitioners. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schmidt and Upthegrove.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2521 Prime Sponsor, Representative Linville: Registering pesticides. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Roach and Sump.

Excused: Representatives Cooper and Quall.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2527 Prime Sponsor, Representative Sullivan: Revising certain day labor limits to account for inflation. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Crouse; DeBolt; Dunn; Hatfield; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member.

Voting yea: Representatives Dunshee, Edwards, Berkey, Crouse, DeBolt, Hatfield, Kirby, Mielke and Sullivan.

Voting nay: Representatives Mulliken and Dunn.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2538 Prime Sponsor, Representative Conway: Prohibiting substitution of subcontractors on larger public works contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schmidt and Upthegrove.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2551 Prime Sponsor, Representative Romero: Authorizing additional school district capital demonstration projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schmidt and Upthegrove.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2565 Prime Sponsor, Representative Fromhold: Requiring an opportunity for a cure before an action on a construction defect may be filed. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett and Lovick.

MINORITY recommendation: Without recommendation. Signed by Representatives Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett and Lovick.

Voting nay: Representative Lysen.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2566 Prime Sponsor, Representative Linville: Providing incentives to reduce air pollution through the use of clean alternative fuel vehicles. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Delvin; Dunshee; Grant; Kirby; Quall and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Holmquist and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Delvin, Dunshee, Grant, Kirby, Quall and Roach.

Voting nay: Representatives Schoesler, Chandler, Holmquist and Sump.

Referred to Committee on Finance.

February 1, 2002

HB 2637 Prime Sponsor, Representative Morris: Creating the joint task force on long-term energy supply. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Reardon, Romero, Sullivan and Wood.

Excused: Representatives DeBolt and Pflug.

Referred to Committee on Appropriations.

February 1, 2002

HB 2660 Prime Sponsor, Representative Morris: Regarding utility relocation costs. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Reardon, Romero, Sullivan and Wood.

Excused: Representatives DeBolt and Pflug.

Passed to Committee on Rules for second reading.

February 1, 2002

HB 2668 Prime Sponsor, Representative Linville: Modifying well construction provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

January 31, 2002

HB 2879 Prime Sponsor, Representative Hurst: Providing penalties and remedies for terrorism offenses. Reported by Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien and Schmidt.

Voting nay: Representative Schual-Berke.

Passed to Committee on Rules for second reading.

February 1, 2002

HJM 4015 Prime Sponsor, Representative Delvin: Requesting full funding for the cleanup of the Hanford Reservation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

January 31, 2002

HCR 4402 Prime Sponsor, Representative Kenney: Adopting the update to the state comprehensive plan for work force training and education. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements, Chandler and McMorris.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorial and resolution listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of House Bill No. 1444 which was placed on the Second Reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 6, 2002, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

TWENTY THIRD DAY, FEBRUARY 5, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 06, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Dokken and Brett Jordan. Prayer was offered by Pastor Dale Gordon, Orting Community Baptist Church.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4679, by Representative Ballasiotes

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the arts of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and

WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: Prepared speeches, impromptu speeches, and evaluations of speeches which provide feedback on the positive aspects of the speeches and friendly suggestions for improvement; and

WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and

WHEREAS, Toastmasters International currently has over 8,500 member Toastmaster Clubs worldwide made up of approximately 178,000 members with over 3,500 members in the state of Washington, and is growing by approximately 250 new members worldwide each day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the Toastmasters International, and its member Toastmaster Clubs, for the contributions it has provided the citizens of this state; and

BE IT FURTHER RESOLVED, That the week of February 3 through February 9, 2002, be recognized as Toastmaster Week and that all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Karen Evons, DTM, Past District Governor, Toastmasters International, Washington State Toastmasters Club, District 2.

Representative Ballasiotes moved the adoption of the resolution.

Representative Ballasiotes spoke in favor of the adoption of the resolution.

House Resolution No. 4679 was adopted.

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

February 5, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5872,

SENATE BILL NO. 5878,
SENATE BILL NO. 5886,
ENGROSSED SENATE BILL NO. 5888,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
SENATE BILL NO. 6408,
SENATE JOINT MEMORIAL NO. 8001,
ENGROSSED SENATE JOINT MEMORIAL NO. 8014,

and the same are herein transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2913 by Representatives Sullivan, Haigh, Kirby, Lysen, Reardon, Simpson and Wood

AN ACT Relating to lottery tickets; and amending RCW 67.70.110, 67.70.200, and 67.70.240.

Referred to Committee on Commerce & Labor.

HB 2914 by Representatives Kenney, Fromhold, Cox, Morell, Haigh and Wood

AN ACT Relating to creating a financial aid account to ensure that all statewide student financial aid is made available; adding a new section to chapter 28B.10 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2915 by Representatives Benson, Sehlin, Mulliken, Cox, Schoesler, Holmquist, Pearson, Schindler, Mielke, McMorris and Orcutt

AN ACT Relating to artificially created industrial ponds; and amending RCW 90.48.020.

Referred to Committee on Agriculture & Ecology.

HB 2916 by Representatives Benson, Sehlin, Cox, Mielke and Schindler

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2917 by Representatives Cooper, Schoesler, Conway, Simpson, Cox, Miloscia, Carrell, Dunn, Lovick, Delvin, Kessler, Linville, Jackley, Edwards and Wood

AN ACT Relating to creating the state pension board; amending RCW 41.45.030 and 41.45.090; reenacting and amending RCW 41.45.020; adding new sections to chapter 41.45 RCW; adding new sections to chapter 41.50 RCW; creating a new section; repealing RCW 41.45.100, 41.45.110, and 41.45.120; and providing an effective date.

Referred to Committee on Appropriations.

HB 2918 by Representative Wood

AN ACT Relating to authorizing bona fide charitable and nonprofit organizations to conduct bingo; amending RCW 9.46.0205; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2919 by Representatives Miloscia and McMorris

AN ACT Relating to laboratory records; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 68.50 RCW.

Referred to Committee on State Government.

HB 2920 by Representatives Grant, Clements, Cooper, Chandler and Edwards

AN ACT Relating to the daily operation of state liquor stores and liquor vendors; amending RCW 66.08.030 and 66.08.060; and repealing RCW 66.16.080.

Referred to Committee on Commerce & Labor.

HB 2921 by Representatives Chandler, Ahern, Schindler, McMorris, Holmquist, Dunn and Mulliken

AN ACT Relating to the state minimum wage; amending RCW 49.46.020; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2922 by Representative Boldt

AN ACT Relating to conduct of law enforcement officers; adding a new section to chapter 43.43 RCW; and adding a new chapter to Title 10 RCW.

Referred to Committee on Criminal Justice & Corrections.

HJR 4223 by Representatives Esser, Van Luven, Morell, Holmquist, Mulliken and Edwards

Amending the Constitution to require voter approval of taxes.

Referred to Committee on Finance.

2ESB 5872 by Senators Prentice, Kohl-Welles, Kline and Fairley

AN ACT Relating to the property tax exemption for new or rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 84.14.030, and 84.14.110.

Referred to Committee on Finance.

SB 5878 by Senators Oke and Haugen

AN ACT Relating to wheel load limits for nonliftable steering axles on refuse collection vehicles; and amending RCW 46.44.042.

Referred to Committee on Transportation.

SB 5886 by Senators Long and Hargrove

AN ACT Relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW; amending RCW 10.77.060; and creating a new section.

Referred to Committee on Judiciary.

ESB 5888 by Senators Gardner, Spanel and Honeyford

AN ACT Relating to the qualifications of a legal newspaper; amending RCW 65.16.020; and declaring an emergency.

Referred to Committee on Local Government & Housing.

ESSB 5997 by Senate Committee on Transportation (originally sponsored by Senators Hochstatter, Rasmussen, Haugen, Honeyford, Gardner, Winsley, Prentice, Benton, Long, Franklin, Fairley, Patterson, Shin, T. Sheldon, Rossi, Snyder, Morton, Spanel, Stevens, McDonald, McCaslin, West, Parlette, Oke, Hewitt, Horn, Swecker, Kastama, Zarelli, Roach and Sheahan)

AN ACT Relating to special license plates for fairs; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

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

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

Referred to Committee on Criminal Justice & Corrections.

SJM 8001 by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

Referred to Committee on Health Care.

ESJM 8014 by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

Referred to Committee on Commerce & Labor.

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

REPORTS OF STANDING COMMITTEES

February 4, 2002

HB 1397 Prime Sponsor, Representative Tokuda: Creating the relative caregiver program. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 1555 Prime Sponsor, Representative Dunshee: Adopting state building codes. Reported by
Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Dunn; Hatfield; Mielke and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt and Kirby.

Voting yea: Representatives Dunshee, Edwards, Berkey, Dunn, Hatfield, Mielke and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt and Kirby.

Referred to Committee on Appropriations.

February 4, 2002

HB 2297 Prime Sponsor, Representative Dunn: Revising limitations on county auditors. Reported by
Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2356 Prime Sponsor, Representative Kagi: Requiring school age children in foster care to attend the same school after placement in foster care. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2370 Prime Sponsor, Representative Schoesler: Authorizing all counties to share county road engineering services. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2378 Prime Sponsor, Representative Dickerson: Revising the definition of "abuse or neglect."
Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Referred to Committee on Appropriations.

February 4, 2002

HB 2518 Prime Sponsor, Representative Edwards: Authorizing health districts to issue civil penalties.
Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2564 Prime Sponsor, Representative Holmquist: Changing references in annexation procedures from "qualified electors" to "registered voters". Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Hatfield, Kirby, Mielke and Sullivan.
Voting nay: Representative Dunn.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2571 Prime Sponsor, Representative Dunshee: Authorizing port districts to pay claims or other obligations by check or warrant. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2574 Prime Sponsor, Representative Ogden: Establishing a demonstration site for a statewide children's system of care. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2578 Prime Sponsor, Representative Nixon: Providing case management and other services to WorkFirst recipients. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Miloscia; Morell; Nixon and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Miloscia, Morell, Nixon and Orcutt.

Voting nay: Representative Dickerson.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 1079, By Representatives Romero, Hankins, Haigh, Miloscia, Dickerson, McDermott, Kenney and Edwards

Specifying how state buildings are named.

The bill was read the second time. There being no objection, Substitute House Bill No. 1079 was substituted for House Bill No. 1079 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1079 was read the second time.

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

Representatives Romero and Woods spoke in favor of passage of the bill.

MOTION

On motion by Representative Woods, Representative Van Luven was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1079.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Van Luven - 1.

Substitute House Bill No. 1079, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1277, By Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee

Regarding residential landlord-tenant relationships.

The bill was read the second time. There being no objection, Substitute House Bill No. 1277 was substituted for House Bill No. 1277 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1277 was read the second time.

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

Representative Bush spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1277.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1277 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Van Luven - 1.

Substitute House Bill No. 1277, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1395, By Representatives Eickmeyer, Buck, Sump, Doumit, Kessler, Jackley, Van Luven, Haigh, Dunn, Murray, Edwards, Veloria, Romero, Hatfield, Pennington, Hunt, Ruderman, Linville, O'Brien, Conway and Santos

Encouraging retention and enhancement of the job base in rural counties.

The bill was read the second time. There being no objection, Substitute House Bill No. 1395 was substituted for House Bill No. 1395 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1395 was read the second time.

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

Representatives Eickmeyer, Buck and DeBolt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1395.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1395 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Van Luven - 1.

Substitute House Bill No. 1395, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1444, By Representatives Murray, Ballasiotes, Mitchell, Quall, Dickerson, Haigh, McIntire, Linville, Simpson, Reardon, Kenney, Hunt, Fisher, Conway, Hurst, Tokuda, Fromhold, Poulsen, Santos, Romero, Rockefeller, Dunshee, Gombosky, Darneille, Edwards, Skinner, O'Brien, Lantz, Wood, Miloscia, Grant, Kessler, Kirby, Jackley, Kagi, Keiser, Sommers, Ogden, Cody, Edmonds, Morris, Lovick, McDermott, Woods, Jarrett, Mastin, Cooper, Schual-Berke and Ruderman; by request of Governor Locke, Attorney General and Superintendent of Public Instruction

Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

The bill was read the second time. There being no objection, Substitute House Bill No. 1444 was substituted for House Bill No. 1444 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1444 was read the second time.

The Speaker announced that House Bill No. 1444 was co-prime sponsored by Representatives Murray and Ballasiotes.

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

Representatives Murray, Ballasiotes, Quall, Talcott, McDermott, Nixon, Santos, Cox, Haigh and Skinner spoke in favor of passage of the bill.

Representatives Armstrong and Schindler spoke against the passage of the bill.

COLLOQUY

Representative Bush: "Is House Bill No. 1444 intended to prohibit harassment, intimidation and bullying by students because of their religious beliefs?"

Representative Murray: "Yes. It is."

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1444.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1444 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Armstrong, Ballard, Benson, Boldt, Chandler, Crouse, Dunn, Ericksen, Holmquist, Lisk, McMorris, Mielke, Mulliken, Orcutt, Schindler and Sump - 16.

Excused: Representative Van Luven - 1.

Substitute House Bill No. 1444, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1444.

EDMUND ORCUTT, 18th District

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., February 7, 2002, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1079 Second Reading 8
1079-S Second Reading 8
Third Reading Final Passage 9
1277 Second Reading 9
1277-S Second Reading 9
Third Reading Final Passage 9
1395 Second Reading 10
1395-S Second Reading 10
Third Reading Final Passage 10
1397 Committee Report 5
1444 Second Reading 10
Colloquy 11
1444-S Second Reading 10
Third Reading Final Passage 11
Colloquy 11
1555 Committee Report 5
2297 Committee Report 5
2356 Committee Report 6
2370 Committee Report 6
2378 Committee Report 6
2518 Committee Report 6
2564 Committee Report 7
2571 Committee Report 7
2574 Committee Report 7
2578 Committee Report 8
2913 Introduction & 1st Reading 2
2914 Introduction & 1st Reading 2
2915 Introduction & 1st Reading 2
2916 Introduction & 1st Reading 2
2917 Introduction & 1st Reading 3
2918 Introduction & 1st Reading 3
2919

2920 Introduction & 1st Reading 3
2921 Introduction & 1st Reading 3
2922 Introduction & 1st Reading 3
4223 Introduction & 1st Reading 3
4679 Introduction & 1st Reading 3
5872 Introduced 1
Adopted 2
5878 Introduction & 1st Reading 4
Messages 2
5886 Introduction & 1st Reading 4
Messages 2
5888 Introduction & 1st Reading 4
Messages 2
5997-S Introduction & 1st Reading 4
Messages 2
6408 Introduction & 1st Reading 4
Messages 2
8001 Introduction & 1st Reading 4
Messages 2
8014 Introduction & 1st Reading 5
Messages 2

HOUSE OF REPRESENTATIVES

Statement for the Journal: Representative Orcutt 11

JOURNAL OF THE HOUSE

TWENTY FOURTH DAY, FEBRUARY 6, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 07, 2002

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

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

MESSAGES FROM THE SENATE

February 6, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5028,
SENATE BILL NO. 5523,
SUBSTITUTE SENATE BILL NO. 5841,
SENATE BILL NO. 6236,
SENATE BILL NO. 6242,
SENATE BILL NO. 6466,
SENATE BILL NO. 6557,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 6, 2002

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8429,
SENATE CONCURRENT RESOLUTION NO. 8430,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2923 by Representatives Kessler and Ogden

AN ACT Relating to clarifying the authority of a port district to participate in a supplemental pension plan; and amending RCW 53.08.170.

Referred to Committee on Appropriations.

HB 2924 by Representatives Sehlin, Schoesler and Clements

AN ACT Relating to the specific duty of an employer to provide employees with a workplace in compliance with safety and health standards; and amending RCW 49.17.060.

Referred to Committee on Commerce & Labor.

HB 2925 by Representative Reardon

AN ACT Relating to community infrastructure development initiatives; amending RCW 35.87A.010, 82.14.050, and 35.80.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 35.80 RCW; adding a new chapter to Title 82 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2926 by Representatives Clements and Grant

AN ACT Relating to a state library; adding a new section to chapter 43.07 RCW; repealing RCW 27.04.010, 27.04.020, 27.04.030, and 27.04.045; and providing an effective date.

Referred to Committee on State Government.

HB 2927 by Representative Kirby

AN ACT Relating to public safety services provided to state hospitals and certain educational institutions; and amending RCW 35.21.779.

Referred to Committee on Local Government & Housing.

HB 2928 by Representatives Linville, Sehlin and Pflug

AN ACT Relating to state payment for long-term care services; amending RCW 74.39A.005, 74.39A.009, 74.39A.030, and 74.46.190; creating a new section; and providing an effective date.

Referred to Committee on Health Care.

HB 2929 by Representatives Carrell, Talcott, Bush, Esser and Anderson

AN ACT Relating to enhancing school safety through information sharing between schools and juvenile justice and care agencies; and reenacting and amending RCW 13.50.050.

Referred to Committee on Juvenile Justice & Family Law.

HB 2930 by Representatives Fromhold, Cox, Kessler, Sommers, Doumit, Ogden and Kenney

AN ACT Relating to increasing member involvement in, knowledge of, and financial security in the retirement systems; amending RCW 41.50.075; adding new sections to chapter 41.50 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2931 by Representatives Conway, Delvin, Simpson, Armstrong, Cooper, Benson, Reardon, Morell, Cairnes, Sullivan, Santos, Berkey, Campbell, Van Luven and Woods

AN ACT Relating to governing the law enforcement officers' and fire fighters' retirement system, plan 2; adding a new chapter to Title 41 RCW; creating a new section; and providing an effective date.

Referred to Committee on Appropriations.

HB 2932 by Representatives Holmquist and Mulliken

AN ACT Relating to detaining a person for the purpose of allowing a law enforcement investigation; adding a new section to chapter 9A.16 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

HB 2933 by Representative McIntire

AN ACT Relating to tax preference review, modification, and termination; amending RCW 43.136.010, 43.136.030, 43.136.040, 43.136.050, 43.136.070, 82.04.050, 82.12.010, 82.08.080, 82.04.060, 82.04.460, 82.12.035, 82.12.060, 82.14.020, 82.08.0255, 82.12.0256, 82.36.230,

82.38.080, 82.42.030, 84.40.030, 84.40.220, 84.36.110, 82.04.280, 82.16.050, 48.14.020, 48.44.020, 43.52.460, 82.04.120, 82.04.260, 82.36.020, 82.48.030, 84.36.020, 84.36.060, 46.10.040, and 15.76.165; reenacting and amending RCW 82.04.190; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 43.136 RCW; creating new sections; repealing RCW 82.04.298, 82.04.315, 82.04.317, 82.04.322, 82.04.324, 82.04.327, 82.04.331, 82.04.332, 82.04.333, 82.04.337, 82.04.338, 82.04.339, 82.04.395, 82.04.363, 82.04.3651, 82.04.367, 82.04.368, 82.04.392, 82.04.394, 82.04.399, 82.04.416, 82.04.4201, 82.04.421, 82.04.422, 82.04.4327, 82.04.4329, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4333, 82.04.434, 82.04.44525, 82.04.4453, 82.04.4454, 82.08.02525, 82.08.02535, 82.08.02537, 82.08.02565, 82.08.02566, 82.08.02567, 82.08.02568, 82.08.02569, 82.08.02573, 82.08.026, 82.08.02665, 82.08.02745, 82.08.02795, 82.08.02805, 82.08.02806, 82.08.02875, 82.08.02915, 82.08.02917, 82.08.0294, 82.08.0295, 82.08.0296, 82.08.0297, 82.08.0298, 82.08.0299, 82.08.0311, 82.08.0315, 82.08.036, 82.08.810, 82.08.811, 82.08.820, 82.08.830, 82.08.832, 82.08.834, 82.08.840, 82.08.850, 82.08.860, 82.08.870, 82.08.880, 82.08.890, 82.08.900, 82.08.910, 82.08.920, 82.12.022, 82.12.02545, 82.12.02565, 82.12.02566, 82.12.02568, 82.12.02569, 82.12.02595, 82.12.02685, 82.12.02745, 82.12.02747, 82.12.02748, 82.12.02915, 82.12.02917, 82.12.0294, 82.12.0295, 82.12.0296, 82.12.0297, 82.12.0298, 82.12.0311, 82.12.0315, 82.12.0345, 82.12.0347, 82.12.038, 82.12.800, 82.12.801, 82.12.802, 82.12.810, 82.12.811, 82.12.820, 82.12.832, 82.12.834, 82.12.840, 82.12.845, 82.12.850, 82.12.880, 82.12.890, 82.12.900, 82.12.910, 82.12.920, 82.08.0259, 82.12.0261, 82.08.0267, 82.12.0262, 82.08.0272, 82.12.0267, 82.08.0277, 82.12.0273, 82.08.0257, 82.12.0258, 82.12.0265, 82.08.0276, 82.12.0271, 82.08.0253, 82.08.0282, 82.08.031, 82.12.031, 48.32.145, 82.04.330, 82.04.335, 82.04.410, 82.04.4281, 82.04.4287, 82.04.4292, 82.04.4293, 82.04.4294, 82.04.4298, 82.04.4322, 82.04.4324, 82.04.4326, 82.16.055, 82.29A.135, 82.35.050, 84.36.080, 84.36.105, 84.36.030, 84.36.040, 84.36.050, 84.36.070, 84.36.090, 84.36.400, 84.36.015, 84.36.042, 84.36.046, 84.36.255, 84.36.487, 84.36.510, 84.36.550, 84.36.560, 84.36.570, 84.36.595, 84.36.600, 84.36.605, and 84.36.630; and providing effective dates.

Held on First Reading.

SSB 5028 by Senate Committee on Judiciary (originally sponsored by Senators Franklin and Regala)

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

SB 5523 by Senators Horn, Rossi and Snyder

AN ACT Relating to overpayments of tax concerning leased equipment when a remedy to refund the overpayment no longer exists under the nonclaim statute; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

SSB 5841 by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, McCaslin, Gardner, Sheahan, T. Sheldon, Deccio, Haugen, Winsley and Hochstatter)

AN ACT Relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

SB 6236 by Senators West, Snyder and Gardner

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

Referred to Committee on State Government.

SB 6242 by Senators Johnson and Kline

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

Referred to Committee on Judiciary.

SB 6466 by Senators Gardner and Swecker

AN ACT Relating to county treasurer administration; and amending RCW 35.50.030, 36.94.230, 43.09.240, 36.29.010, 46.16.160, 46.44.170, 46.44.173, 84.40.042, 84.56.120, 84.64.060, 84.64.070, 84.69.020, and 84.69.100.

Referred to Committee on Local Government & Housing.

SB 6557 by Senators Kohl-Welles, Horn, Carlson, Shin, Jacobsen, Sheahan, McAuliffe, Parlette and B. Sheldon

AN ACT Relating to the selection of the chair of the higher education coordinating board; and amending RCW 28B.80.390 and 28B.80.400.

Referred to Committee on Higher Education.

SCR 8429 by Senators Snyder, West and Winsley

Modifying districts eighteen, twenty-seven, twenty-eight, and forty-nine in the plan for legislative redistricting.

SCR 8430 by Senators Snyder and West

Modifying districts seven and twelve in the plan for legislative redistricting.

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

There being no objection, Senate Concurrent Resolution No. 8429 and Senate Concurrent Resolution No. 8430 were placed on the Second Reading calendar.

REPORTS OF STANDING COMMITTEES

February 5, 2002

HB 1005 Prime Sponsor, Representative Morris: Allowing the granting of easements on state-owned aquatic lands for local public utility lines. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Linville; Lysen; Nixon; Pflug; Reardon and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Hunt; Romero and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Linville, Lysen, Nixon, Pflug, Reardon and Sullivan.
Voting nay: Representatives Hunt, Romero and Wood.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 1477 Prime Sponsor, Representative Dunshee: Allowing counties to impose taxes for emergency communication systems. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Orcutt; Roach; Santos and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Nixon.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Orcutt, Roach, Santos and Veloria.

Voting nay: Representative Nixon.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

SHB 1646 Prime Sponsor, Committee on Education: Including the Washington national guard youth challenge program as an alternative educational service provider. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Referred to Committee on Appropriations.

February 5, 2002

HB 1852 Prime Sponsor, Representative Morris: Increasing international marketing of Washington's goods and services. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 1917 Prime Sponsor, Representative Dunshee: Creating a program of voluntary campaign spending limits for state offices. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting nay: Representatives McMorris, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 5, 2002

SHB 1938 Prime Sponsor, Committee on Criminal Justice & Corrections: Prescribing penalties for sabotage resulting in damage to land, facilities, and property or personal injury. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2295 Prime Sponsor, Representative Ruderman: Modifying fees for locating unclaimed property. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2337 Prime Sponsor, Representative Santos: Authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2381 Prime Sponsor, Representative Veloria: Addressing the trafficking of persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2404 Prime Sponsor, Representative Berkey: Implementing the federal mobile telecommunications sourcing act. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos and Veloria.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2407 Prime Sponsor, Representative Ballasiotes: Establishing the authority to create and operate regional jails. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2414 Prime Sponsor, Representative Haigh: Changing provisions relating to the professional educator standards board. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2415 Prime Sponsor, Representative Quall: Changing qualifications for public school principals and vice principals. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2431 Prime Sponsor, Representative Cody: Developing a comprehensive prescription drug education and utilization system. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Conway, Darneille, Edwards and Ruderman.

Voting nay: Representatives Alexander, Ballasiotes, Benson and Skinner.

Referred to Committee on Appropriations.

February 5, 2002

HB 2437 Prime Sponsor, Representative Veloria: Promoting economic revitalization. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2448 Prime Sponsor, Representative Quall: Authorizing access to school meal programs and kitchen facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2454 Prime Sponsor, Representative Dickerson: Studying programs for at-risk youth intervention.
Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell; Eickmeyer and Tokuda.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Carrell, Eickmeyer and Tokuda.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2468 Prime Sponsor, Representative Miloscia: Facilitating the convicted offender DNA data base.
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 5, 2002

HB 2487 Prime Sponsor, Representative McIntire: Regulating securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.
Excused: Representative Cairnes.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2505 Prime Sponsor, Representative O'Brien: Penalizing unlawful instruction in civil disorder.
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2507 Prime Sponsor, Representative Lovick: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 6, 2002

HB 2540 Prime Sponsor, Representative Conway: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements, Chandler and McMorris.

Referred to Committee on Appropriations.

February 5, 2002

HB 2541 Prime Sponsor, Representative Hurst: Expanding authority for interlocal agreements for jail services. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2549 Prime Sponsor, Representative McIntire: Renewing contracts of insurance that are subject to RCW 48.18.290. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Excused: Representative Cairnes.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2550 Prime Sponsor, Representative McIntire: Applying for a license or solicitation permit from the insurance commissioner. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.
Excused: Representative Cairnes.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2576 Prime Sponsor, Representative Hunt: Giving the director of the department of licensing authority to adopt master application fees by rule. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2577 Prime Sponsor, Representative Talcott: Encouraging locally developed and implemented character education programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2592 Prime Sponsor, Representative Gombosky: Revising community revitalization financing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Voloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.
Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2628 Prime Sponsor, Representative Chase: Exempting small business technology awards from business and occupation tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 4, 2002

HB 2642 Prime Sponsor, Representative Hurst: Requiring volunteer fire fighters to notify their employers of their volunteer service. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2669 Prime Sponsor, Representative Linville: Including animal waste as a qualified alternative energy resource. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2685 Prime Sponsor, Representative Kenney: Establishing the probationary period for campus police officer appointees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn, Gombosky, Lantz and Skinner.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2691 Prime Sponsor, Representative Crouse: Reducing a property owner's liability for tenant's delinquent charges. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Crouse, Ranking Minority Member; Anderson; Bush; Casada; DeBolt; Delvin; Esser; Lysen; Nixon; Pflug; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ruderman, Vice Chairman; Berkey; Hunt; Linville; Reardon and Romero.

Voting yea: Representatives Morris, Crouse, Anderson, Bush, Casada, DeBolt, Delvin, Esser, Lysen, Nixon, Pflug, Sullivan and Wood.

Voting nay: Representatives Ruderman, Berkey, Hunt, Linville, Reardon and Romero.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2807 Prime Sponsor, Representative Kenney: Creating the Washington promise scholarship. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn, Gombosky, Lantz and Skinner.

Referred to Committee on Appropriations.

February 5, 2002

HB 2831 Prime Sponsor, Representative Fromhold: Reviewing the role of branch campuses. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn, Gombosky, Lantz and Skinner.

Referred to Committee on Appropriations.

February 5, 2002

HB 2838 Prime Sponsor, Representative Hunt: Prohibiting professional football blackouts. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2845 Prime Sponsor, Representative Morris: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Berkey and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero and Sullivan.

Voting nay: Representatives Berkey and Wood.

Referred to Committee on Appropriations.

February 5, 2002

HB 2853 Prime Sponsor, Representative Morris: Requiring the emergency management council to identify critical infrastructure in the state. Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Excused: Representative Campbell.

Referred to Committee on Appropriations.

February 4, 2002

HJM 4019 Prime Sponsor, Representative Simpson: Requesting Congress to remove unemployment insurance benefits from federal taxation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; McMorris.

Voting yea: Representatives Conway, Wood, Chandler, Kenney and Lysen.

Voting nay: Representatives Clements and McMorris.

Passed to Committee on Rules for second reading.

February 5, 2002

HJM 4023 Prime Sponsor, Representative Morris: Supporting the development of an action plan for regional infrastructure security. Reported by Select Committee on Community Security

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.
Excused: Representative Campbell.

Passed to Committee on Rules for second reading.

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

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

MOTION

There being no objection, the House adjourned until 10:00 a.m., February 8, 2002, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1005 Committee Report 5
1477 Committee Report 5
1646-S Committee Report 5
1852 Committee Report 6
1917 Committee Report 6
1938-S Committee Report 6
2295 Committee Report 6
2337 Committee Report 7
2381 Committee Report 7
2404 Committee Report 7
2407 Committee Report 8
2414 Committee Report 8
2415 Committee Report 8
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2437 Committee Report 9
2448 Committee Report 9
2454 Committee Report 9
2468 Committee Report 9
2487 Committee Report 10
2505 Committee Report 10
2507 Committee Report 10
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2541 Committee Report 11
2549 Committee Report 11
2550 Committee Report 11
2576 Committee Report 11
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2592 Committee Report 12
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2642 Committee Report 12
2669 Committee Report 12
2685 Committee Report 13
2691 Committee Report 13
2807 Committee Report 13
2831 Committee Report 14
2838 Committee Report 14
2845 Committee Report 14
2853 Committee Report 14
2923 Committee Report 15
2924 Introduction & 1st Reading 1
2925 Introduction & 1st Reading 1
2926 Introduction & 1st Reading 2
2927 Introduction & 1st Reading 2
2928 Introduction & 1st Reading 2
2929 Introduction & 1st Reading 2
2930 Introduction & 1st Reading 2
2931 Introduction & 1st Reading 2
2932 Introduction & 1st Reading 2
2933 Introduction & 1st Reading 3
4019 Held on 1st Reading 3
4023 Committee Report 15
5028-S Committee Report 15
5523 Introduction & 1st Reading 3
Messages 1
5841-S Introduction & 1st Reading 4
Messages 1
6236 Introduction & 1st Reading 4
Messages 1

6242 Introduction & 1st Reading 4
Messages 1
6466 Introduction & 1st Reading 4
Messages 1
6557 Introduction & 1st Reading 4
Messages 1
8429 Introduction & 1st Reading 4
Other Action 5
Messages 1
8430 Introduction & 1st Reading 4
Other Action 5
Messages 1

JOURNAL OF THE HOUSE

TWENTY FIFTH DAY, FEBRUARY 7, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 08, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Burns and Monica Tanner. Prayer was offered by Pastor Terry Minge, Bethyl Baptist Church, Bethyl.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4693, by Representatives Hatfield, Doumit, Rockefeller, Upthegrove, Buck, Ballasiotes, Woods, Haigh, Cox, Anderson, McDermott, Talcott, Schmidt and Morell

WHEREAS, The teacher of the year program is part of a nationwide initiative to honor and recognize exceptional elementary and secondary classroom educators; and

WHEREAS, The state teacher of the year program is administered by the office of the superintendent of public instruction; and

WHEREAS, The program, established in Washington state in 1963, honors one outstanding classroom teacher each year; and

WHEREAS, David McKay, an English teacher at Aberdeen High School, received the Washington state teacher of the year award October 18, 2001; and

WHEREAS, David McKay is the first recipient from educational service district 113 to receive this honor; and

WHEREAS, As recipient of the state teacher of the year award, David will serve as Washington state's representative in the national teacher of the year competition, as well as take part in a number of special events throughout the upcoming year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor David McKay, Washington state's 2002 teacher of the year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to David McKay.

Representative Hatfield moved the adoption of the resolution.

Representatives Hatfield, Haigh, Buck and Talcott spoke in favor of the adoption of the resolution.

House Resolution No. 4693 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced Teacher of the Year David McKay and the Chamber acknowledged him.

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 2933 by Representative McIntire

AN ACT Relating to tax preference review, modification, and termination; amending RCW 43.136.010, 43.136.030, 43.136.040, 43.136.050, 43.136.070, 82.04.050, 82.12.010, 82.08.080, 82.04.060, 82.04.460, 82.12.035, 82.12.060, 82.14.020, 82.08.0255, 82.12.0256, 82.36.230, 82.38.080, 82.42.030, 84.40.030, 84.40.220, 84.36.110, 82.04.280, 82.16.050, 48.14.020, 48.44.020, 43.52.460, 82.04.120, 82.04.260, 82.36.020, 82.48.030, 84.36.020, 84.36.060, 46.10.040, and 15.76.165; reenacting and amending RCW 82.04.190; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding new sections to chapter 82.48 RCW; adding new sections to chapter 43.136 RCW; creating new sections; repealing RCW 82.04.298, 82.04.315, 82.04.317, 82.04.322, 82.04.324, 82.04.327, 82.04.331, 82.04.332, 82.04.333, 82.04.337, 82.04.338, 82.04.339, 82.04.395, 82.04.363, 82.04.3651, 82.04.367, 82.04.368, 82.04.392, 82.04.394, 82.04.399, 82.04.416, 82.04.4201, 82.04.421, 82.04.422, 82.04.4327, 82.04.4329, 82.04.433, 82.04.4331, 82.04.4332, 82.04.4333, 82.04.434, 82.04.44525, 82.04.4453, 82.04.4454, 82.08.02525, 82.08.02535, 82.08.02537, 82.08.02565, 82.08.02566, 82.08.02567, 82.08.02568, 82.08.02569, 82.08.02573, 82.08.026, 82.08.02665, 82.08.02745, 82.08.02795, 82.08.02805, 82.08.02806, 82.08.02875, 82.08.02915, 82.08.02917, 82.08.0294, 82.08.0295, 82.08.0296, 82.08.0297, 82.08.0298, 82.08.0299, 82.08.0311, 82.08.0315, 82.08.036, 82.08.810, 82.08.811, 82.08.820, 82.08.830, 82.08.832, 82.08.834, 82.08.840, 82.08.850, 82.08.860, 82.08.870, 82.08.880, 82.08.890, 82.08.900, 82.08.910, 82.08.920, 82.12.022, 82.12.02545, 82.12.02565, 82.12.02566, 82.12.02568, 82.12.02569, 82.12.02595, 82.12.02685, 82.12.02745, 82.12.02747, 82.12.02748, 82.12.02915, 82.12.02917, 82.12.0294, 82.12.0295, 82.12.0296, 82.12.0297, 82.12.0298, 82.12.0311, 82.12.0315, 82.12.0345, 82.12.0347, 82.12.038, 82.12.800, 82.12.801, 82.12.802, 82.12.810, 82.12.811, 82.12.820, 82.12.832, 82.12.834, 82.12.840, 82.12.845, 82.12.850, 82.12.880, 82.12.890, 82.12.900, 82.12.910, 82.12.920, 82.08.0259, 82.12.0261, 82.08.0267, 82.12.0262, 82.08.0272, 82.12.0267, 82.08.0277, 82.12.0273, 82.08.0257, 82.12.0258, 82.12.0265, 82.08.0276, 82.12.0271, 82.08.0253, 82.08.0282, 82.08.031, 82.12.031, 48.32.145, 82.04.330, 82.04.335, 82.04.410, 82.04.4281, 82.04.4287, 82.04.4292, 82.04.4293, 82.04.4294,

82.04.4298, 82.04.4322, 82.04.4324, 82.04.4326, 82.16.055, 82.29A.135, 82.35.050, 84.36.080, 84.36.105, 84.36.030, 84.36.040, 84.36.050, 84.36.070, 84.36.090, 84.36.400, 84.36.015, 84.36.042, 84.36.046, 84.36.255, 84.36.487, 84.36.510, 84.36.550, 84.36.560, 84.36.570, 84.36.595, 84.36.600, 84.36.605, and 84.36.630; and providing effective dates.

Referred to Committee on Finance.

HB 2934 by Representatives Alexander, DeBolt, Haigh, Pflug and Casada

AN ACT Relating to high risk sex offenders as tenants; amending RCW 59.18.257; adding new sections to chapter 59.18 RCW; adding a new section to chapter 9A.44 RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

HB 2935 by Representatives Holmquist, Alexander, Mulliken, Anderson, Schoesler, Armstrong, DeBolt, Clements, Mielke, Schmidt, Casada, Sehlin, Morell, Sump, Schindler, Jarrett, Dunn, Campbell, Pearson, Boldt, Crouse, Lisk, Nixon, Woods, Chandler, Ahern, Kessler, Miloscia and Pflug

AN ACT Relating to greater fiscal responsibility in state budgeting through zero-based budget reviews; adding a new chapter to Title 44 RCW; and providing an effective date.

Referred to Committee on Appropriations.

HB 2936 by Representatives Mulliken, Mielke, Lisk, Holmquist, Schindler, Armstrong, Clements, Ahern, Crouse, Sump, Schoesler, Chandler, DeBolt, Orcutt, Dunn and McMorris

AN ACT Relating to establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HB 2937 by Representatives Benson, Ahern, Mielke, Delvin, Esser, Barlean, Anderson and Nixon

AN ACT Relating to excise tax exemptions for research and development expenditures by universities; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2938 by Representatives Clements, Nixon and Mulliken

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2939 by Representatives Nixon, Ruderman, Bush, Carrell, Woods, Roach, Mitchell, Ericksen, Esser, Orcutt, Schmidt, Lysen, Mielke, Holmquist and Kessler

AN ACT Relating to protection of identification of persons who pay tolls electronically; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

HB 2940 by Representative McIntire

AN ACT Relating to dedicating tax revenue from sales and use taxes on newspapers; adding a new section to chapter 82.32 RCW; repealing RCW 82.08.0253; and providing an effective date.

Referred to Committee on Finance.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, By Senators Snyder, West and Winsley

Modifying districts eighteen, twenty-seven, twenty-eight, and forty-nine in the plan for legislative redistricting.

The concurrent resolution was read the second time.

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

Representatives Talcott and Ogden spoke in favor of adoption of the concurrent resolution.

MOTION

On motion of Representative Woods, Representative McMorris was excused.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8429.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8429 and the resolution was adopted by the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

Senate Concurrent Resolution No. 8429, having received the necessary constitutional majority, was declared adopted.

SENATE CONCURRENT RESOLUTION NO. 8430, By Senators Snyder and West

Modifying districts seven and twelve in the plan for legislative redistricting.

The concurrent resolution was read the second time.

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

Representative Sump spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8430.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8430 and the resolution was adopted by the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

Senate Concurrent Resolution No. 8430, having received the necessary constitutional majority, was declared adopted.

HOUSE BILL NO. 2100, By Representatives Dunshee, Mulliken and Berkey

Increasing bid limits for PUDs using the alternative bid procedure under RCW 39.04.190.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2100 was substituted for House Bill No. 2100 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2100 was read the second time.

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

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2100.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2100 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh,

Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

Second Substitute House Bill No. 2100, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2288, by Representatives Fisher, Mitchell, Rockefeller, Wood and Esser; by request of Department of Transportation

Facilitating perpetual management of environmental mitigation sites.

The bill was read the second time.

There being no objection, amendment (036) was withdrawn.

Representative Fisher moved the adoption of amendment (031):

On page 1, line 7, after "agencies," insert "tribal governments,"

On page 1, line 13, after "perpetuity." insert:

"(1) Tribal governments shall only be eligible to participate in an exchange agreement if they:

(a) Provide the department with a valid waiver of their tribal sovereign immunity from suit. The waiver must allow the department to enforce the terms of the exchange agreement or quitclaim deed in state court; and

(b) Agree that the property shall not be placed into trust status.

(2)"

Representative Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2288.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2288 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

Engrossed House Bill No. 2288, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2329, By Representatives Lantz, Cooper, Esser, Dunshee, Haigh, McDermott, Linville, Sehlin, Murray, Anderson, Jarrett, Pflug, Cairnes, Barlean, Schmidt, Morell and Rockefeller

Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements.

The bill was read the second time.

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

Representatives Lantz and Esser spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2329.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2329 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

House Bill No. 2329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2350, By Representatives Ruderman, McDermott and Nixon

Regulating mail to constituents.

The bill was read the second time.

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

Representatives Ruderman, Nixon and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2350.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2350 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

House Bill No. 2350, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2352, By Representatives Alexander, Lantz and Esser; by request of Governor Locke and Attorney General

Transferring risk management functions from the department of general administration to the office of financial management.

The bill was read the second time.

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

Representatives Alexander, Romero and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2352.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2352 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative McMorris - 1.

House Bill No. 2352, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lisk to preside.

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

REPORTS OF STANDING COMMITTEES

February 6, 2002

HB 1144 Prime Sponsor, Representative Kessler: Modifying good cause reasons for failure to participate in the WorkFirst program. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Darneille; Dickerson and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Darneille, Dickerson and Miloscia.

Voting nay: Representatives Boldt, Morell, Nixon and Orcutt.

Referred to Committee on Appropriations.

February 6, 2002

HB 1157 Prime Sponsor, Representative Murray: Identifying rebuilt vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representative Mitchell.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 1221 Prime Sponsor, Representative Delvin: Modifying the definition of major public energy project. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Hunt; Linville; Pflug; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ruderman, Vice Chairman; Esser; Lysen; Nixon; Reardon and Romero.

Voting yea: Representatives Morris, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Hunt, Linville, Pflug, Sullivan and Wood.

Voting nay: Representatives Ruderman, Esser, Lysen, Nixon, Reardon and Romero.

Passed to Committee on Rules for second reading.

February 8, 2002

SHB 1230 Prime Sponsor, Committee on State Government: Changing primary dates and associated election procedures. Reported by Committee on State Government

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, McDermott, Miloscia, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 1248 Prime Sponsor, Representative Kessler: Providing unemployment insurance benefits for victims of domestic violence or stalking. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements and Chandler.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 1324 Prime Sponsor, Representative Conway: Expanding membership of the electrical board by appointment of one outside line worker. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member.

Voting yea: Representatives Conway, Wood, Chandler, Kenney and Lysen.

Voting nay: Representative Clements.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 1328 Prime Sponsor, Representative Cody: Requiring the registration of certain school health personnel. Reported by Committee on Health Care

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Referred to Committee on Appropriations.

February 8, 2002

HB 1411 Prime Sponsor, Representative Veloria: Providing public notice of releases of hazardous substances. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Delvin; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Delvin, Dunshee, Grant, Kirby and Quall.
Voting nay: Representatives Schoesler, Chandler, Holmquist, Roach and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 1549 Prime Sponsor, Representative Schual-Berke: Limiting minors' access to tobacco. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards and Ruderman.

Voting nay: Representatives Ballasiotes, Benson and Skinner.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 1640 Prime Sponsor, Representative Miloscia: Providing for expanded employment opportunities for people with disabilities. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

SHB 1759 Prime Sponsor, Committee on Health Care: Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.

Voting nay: Representative Benson.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2015 Prime Sponsor, Representative McIntire: Protecting personal information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 6, 2002

2EHB 2168 Prime Sponsor, Representative Conway: Regulating siting of essential state community justice facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 7, 2002

HB 2181 Prime Sponsor, Representative Miloscia: Establishing boundary review board considerations for certain assumptions of water-sewer districts by cities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Dunn; Hatfield and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse; Kirby and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Dunn, Hatfield and Sullivan.

Voting nay: Representative Crouse, Kirby and Mielke.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2224 Prime Sponsor, Representative Benson: Licensing specialty producers of certain lines of insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2290 Prime Sponsor, Representative Linville: Creating the fruit and vegetable inspection account. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Kirby; Quall; Roach and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Holmquist.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Kirby, Quall and Roach.

Voting nay: Representative Holmquist.

Excused: Representative Sump.

Referred to Committee on Appropriations.

February 7, 2002

HB 2305 Prime Sponsor, Representative Hatfield: Clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2323 Prime Sponsor, Representative Hatfield: Creating the direct retail license for commercial fishers. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Referred to Committee on Appropriations.

February 8, 2002

HB 2324 Prime Sponsor, Representative Hatfield: Making it a crime to fail to protect children and dependent persons. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2326 Prime Sponsor, Representative Linville: Establishing the Washington climate and rural energy development center. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.
Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Referred to Committee on Appropriations.

February 7, 2002

HB 2335 Prime Sponsor, Representative Romero: Updating vote recording and reporting. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 8, 2002

HB 2336 Prime Sponsor, Representative McMorris: Modifying the administration of elections. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott, Schindler, Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2340 Prime Sponsor, Representative Sullivan: Regulating the authority of metropolitan municipal corporations to acquire property. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Dunn.

Voting yea: Representatives Mulliken, Berkey, Crouse, DeBolt, Hatfield, Kirby, Mielke and Sullivan.

Voting nay: Representatives Dunshee, Edwards and Dunn.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2345 Prime Sponsor, Representative Lovick: Allowing noninjury accidents to clear the roadway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Jackley; Jarrett; Lovick; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Holmquist; Mielke; Schindler and Skinner.

Voting yea: Representatives Fisher, Cooper, Lovick, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Jackley, Jarrett, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan, Wood and Woods.

Voting nay: Representatives Holmquist, Mielke, Schindler and Skinner.

Excused: Representative Mitchell.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2348 Prime Sponsor, Representative Ruderman: Creating a housing allowance program for nonsupervisory educational employees. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson; Cox and Schindler.

Voting yea: Representatives Quall, Haigh, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting nay: Representatives Talcott, Anderson, Cox and Schindler.

Referred to Committee on Appropriations.

February 6, 2002

HB 2355 Prime Sponsor, Representative Kagi: Modifying unemployment compensation payable to individuals who took family and medical leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.

Voting nay: Representative Chandler.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2360 Prime Sponsor, Representative Conway: Regulating negotiations between health providers and health carriers. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2362 Prime Sponsor, Representative Hatfield: Adjusting the motorcycle skills course fee. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Edwards; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Armstrong.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Ericksen and Romero.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2365 Prime Sponsor, Representative Cooper: Increasing the size of the state investment board.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2367 Prime Sponsor, Representative Lantz: Authorizing advance directives for mental health treatment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt and Esser.

Voting yea: Representatives Lantz, Hurst, Dickerson, Jarrett, Lovick and Lysen.
Voting nay: Representatives Carrell, Boldt and Esser.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2376 Prime Sponsor, Representative Rockefeller: Concerning abandoned and derelict waterborne vessels. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Referred to Committee on Appropriations.

February 6, 2002

HB 2379 Prime Sponsor, Representative Dickerson: Making it a crime to leave a child with a sex offender. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2380 Prime Sponsor, Representative Dickerson: Changing provisions relating to segregation of children offenders from adult offenders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell; Eickmeyer and Tokuda.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.
Excused: Representative Carrell.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2382 Prime Sponsor, Representative Dickerson: Revising provisions relating to criminal mistreatment. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2411 Prime Sponsor, Representative Haigh: Protecting certain domestic security records. Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien and Schual-Berke.

Voting nay: Representative Benson.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2412 Prime Sponsor, Representative Fromhold: Determining ballast water treatment methods for the Columbia river system. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2419 Prime Sponsor, Representative Simpson: Prohibiting price gouging during significant disruption, emergency, or disaster. Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Haigh; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson and Campbell.

Voting yea: Representatives Hurst, Simpson, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Voting nay: Representatives Lisk, Ballasiotes, Barlean, Benson, Buck and Campbell.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2425 Prime Sponsor, Representative Doumit: Funding the community economic revitalization board. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Voloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Lantz, O'Brien, Ogden, Reardon, Voloria and Woods.

Excused: Representatives Hunt and Schoesler.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2427 Prime Sponsor, Representative Conway: Establishing occupational safety and health impact grants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.

Voting nay: Representatives Chandler and McMorris.

Referred to Committee on Appropriations.

February 8, 2002

HB 2430 Prime Sponsor, Representative Kessler: Providing for greater access to health insurance for small employers and their employees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke, Vice Chairman; Conway and Darneille.

Voting yea: Representatives Cody, Campbell, Alexander, Ballasiotes, Benson, Edwards, Ruderman and Skinner.

Voting nay: Representatives Schual-Berke, Conway and Danielle.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2432 Prime Sponsor, Representative Lovick: Regulating driving abstracts furnished to transit agencies on vanpool drivers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Mitchell and Rockefeller.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2434 Prime Sponsor, Representative Gombosky: Changing the taxation of tobacco products to provide for the taxation of products purchased for resale from persons immune from state tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2439 Prime Sponsor, Representative O'Brien: Specifying services that should be available for children with developmental disabilities. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Referred to Committee on Appropriations.

February 8, 2002

HB 2444 Prime Sponsor, Representative Darneille: Specifying qualifications for adult family home providers and resident managers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2445 Prime Sponsor, Representative Darneille: Studying long-term care insurance costs. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Conway, Darneille, Edwards and Ruderman.
Voting nay: Representatives Campbell, Alexander, Ballasiotes, Benson and Skinner.

Referred to Committee on Appropriations.

February 8, 2002

HB 2453 Prime Sponsor, Representative Bush: Protecting veterans' records. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Voting nay: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2456 Prime Sponsor, Representative Kessler: Modifying provisions relating to the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Santos and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Roach.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Santos and Simpson.
Voting nay: Representative Roach.

Referred to Committee on Finance.

February 7, 2002

HB 2461 Prime Sponsor, Representative Schual-Berke: Requiring legislative approval of federal waivers to the medical assistance program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 6, after "For" insert "the"
On page 1, line 6, strike "requests" and insert "request"
On page 1, line 7, strike "were" and insert "was"
On page 1, line 7, strike "prior" and all language through "act" on line 8, and insert "in November 2001"
On page 2, line 1, after "request" insert "and obtain"
On page 2, line 1, after "approval" insert "with a statutory enactment codified in chapter 74.09 RCW,"
On page 2, line 2, after "waivers" strike "modifying" and insert "that involve reductions in medical assistance eligibility, enrollment or benefits coverage, or increased costs to recipients in"

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Referred to Committee on Appropriations.

February 7, 2002

HB 2469 Prime Sponsor, Representative Wood: Prohibiting noncompetition agreements in the broadcasting industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.
Voting nay: Representatives Clements and Chandler.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2470 Prime Sponsor, Representative Conway: Revising provisions for plumbing contractors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2473 Prime Sponsor, Representative Tokuda: Revising provisions for the governance of the Washington state school for the deaf. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member.

Voting yea: Representatives Tokuda, Kagi, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Voting nay: Representative Boldt.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2484 Prime Sponsor, Representative Morris: Creating a license plate emblem to benefit orca whale research. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Ericksen; Jackley; McDermott; Pearson and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck; Eickmeyer and Orcutt.

Voting yea: Representatives Doumit, Rockefeller, Ericksen, Jackley, McDermott, Pearson and Upthegrove.

Voting nay: Representatives Sump, Buck, Eickmeyer and Orcutt.

Referred to Committee on Transportation.

February 7, 2002

HB 2489 Prime Sponsor, Representative Miloscia: Creating the Washington progress board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2491 Prime Sponsor, Representative Chandler: Limiting the authority to inspect facilities used for temporary storage and processing of commodities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2501 Prime Sponsor, Representative Campbell: Modifying provisions concerning chiropractics. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2506 Prime Sponsor, Representative Romero: Creating a joint task force on green building. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.
Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2512 Prime Sponsor, Representative Upthegrove: Creating the uniform regulation of business and professions act. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2513 Prime Sponsor, Representative Wood: Regulating timeshare interest reservations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2516 Prime Sponsor, Representative Benson: Increasing the flexibility of the department of social and health services in dealing with support obligations of legal custodians. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.
Excused: Representative Carrell.

Referred to Committee on Appropriations.

February 7, 2002

HB 2522 Prime Sponsor, Representative Sullivan: Encouraging the purchase of clean technologies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.
Excused: Representative McMorris

Referred to Committee on Appropriations.

February 7, 2002

HB 2532 Prime Sponsor, Representative Linville: Allowing the use of electronic mail telecommunications technology by nonprofit corporation committees. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2533 Prime Sponsor, Representative Lovick: Adjusting time requirements for vacation of convictions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt; Esser and Jarrett.

Voting yea: Representatives Lantz, Hurst, Dickerson, Lovick and Lysen.
Voting nay: Representatives Carrell, Boldt, Esser and Jarrett.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2534 Prime Sponsor, Representative Kenney: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Gombosky and Lantz.
Voting nay: Representative Dunn.
Excused: Representative Skinner.

Referred to Committee on Appropriations.

February 7, 2002

HB 2542 Prime Sponsor, Representative Gombosky: Providing for a subsidization of certain employer-sponsored health insurance plans. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Conway, Darneille, Edwards and Ruderman.
Voting nay: Representatives Campbell, Alexander, Ballasiotes, Benson and Skinner.

Referred to Committee on Appropriations.

February 8, 2002

HB 2544 Prime Sponsor, Representative Cooper: Restricting use of credit history. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Hatfield; Miloscia; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Benson, Ranking Minority Member; Barlean; Cairnes; Mielke and Roach.

Voting yea: Representatives Cooper, McIntire, Hatfield, Miloscia, Santos and Simpson.
Voting nay: Representatives Benson, Barlean, Cairnes, Mielke and Roach.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2545 Prime Sponsor, Representative Cooper: Regulating single premium credit insurance.
Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Hatfield; Miloscia; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Barlean; Cairnes; Mielke and Roach.

Voting yea: Representatives Cooper, McIntire, Benson, Hatfield, Miloscia, Santos and Simpson.

Voting nay: Representatives Barlean, Cairnes, Mielke and Roach.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2548 Prime Sponsor, Representative Sullivan: Allowing advertising on bus shelters. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Ericksen and Romero.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2552 Prime Sponsor, Representative Fromhold: Allowing the school district capital projects fund to provide for costs associated with implementing technology systems. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos and Schindler.

Excused: Representatives Schmidt and Upthegrove.

Referred to Committee on Capital Budget.

February 7, 2002

HB 2553 Prime Sponsor, Representative Morris: Increasing the number of eligible tribes for cigarette tax contracts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2556 Prime Sponsor, Representative Dunshee: Revising fees collected by county auditors. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Appropriations.

February 7, 2002

HB 2560 Prime Sponsor, Representative Quall: Shifting approval of driver training schools from the superintendent of public instruction to the department of licensing. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Ericksen and Romero.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2563 Prime Sponsor, Representative Miloscia: Creating the governor's performance audit standards and scorecard commission. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 6, 2002

HB 2568 Prime Sponsor, Representative Dickerson: Formalizing the relationship between the department of social and health services and the state school for the deaf. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2584 Prime Sponsor, Representative Reardon: Exempting land leases for personal wireless communication facilities from the subdivision act. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2585 Prime Sponsor, Representative McDermott: Restricting political activity by public disclosure commissioners. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2588 Prime Sponsor, Representative Skinner: Modifying the information required on a prescription label. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

HB 2590 Prime Sponsor, Representative Ruderman: Modifying the scope of care provided by physical therapists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2589 Prime Sponsor, Representative Linville: Providing for licensure of audiologists and speech-language pathologists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2591 Prime Sponsor, Representative Hatfield: Freeing counties from costs of roads over aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2595 Prime Sponsor, Representative Morris: Providing funding for wireless enhanced 911 services. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2597 Prime Sponsor, Representative Conway: Allowing governmental entities that award publicly funded contracts to select contractors using the lowest responsible bidder method.
Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.
Voting nay: Representatives Schindler and Schmidt.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2598 Prime Sponsor, Representative O'Brien: Implementing the recommendations of the joint select committee on the equitable distribution of secure community transition facilities.
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Kagi; Kirby and Morell.

MINORITY recommendation: Without recommendation. Signed by Representatives Ahern.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Kagi, Kirby and Morell.
Voting nay: Representative Ahern.

Referred to Committee on Appropriations.

February 7, 2002

HB 2601 Prime Sponsor, Representative Cody: Prohibiting health care facilities from requiring employees to perform overtime work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.
Voting nay: Representatives Clements and Chandler.
Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2604 Prime Sponsor, Representative Clements: Modifying new and successor unemployment contribution rates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Appropriations.

February 6, 2002

HB 2605 Prime Sponsor, Representative O'Brien: Changing provisions relating to aggregating value for purposes of determining the degree of theft. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 7, 2002

HB 2607 Prime Sponsor, Representative McDermott: Requiring physical examinations prior to participation in interscholastic athletic activities. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 27, after "license" insert "." and strike everything through "rule." on line 32.

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Talcott, Ranking Minority Member; Anderson; Cox and Schindler.

Voting yea: Representatives Quall, Haigh, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting nay: Representatives Talcott, Anderson, Cox and Schindler.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2609 Prime Sponsor, Representative Sullivan: Improving property tax administration. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2610 Prime Sponsor, Representative Darneille: Providing criminal penalties for endangerment of children and dependent persons with a controlled substance. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 6, 2002

HB 2611 Prime Sponsor, Representative Lysen: Creating a no call list. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Anderson; Berkey; Bush; Casada; DeBolt; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Delvin.

Voting yea: Representatives Morris, Ruderman, Anderson, Berkey, Bush, Casada, DeBolt, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Voting nay: Representatives Crouse and Delvin.

Referred to Committee on Appropriations.

February 7, 2002

HB 2612 Prime Sponsor, Representative Darneille: Transferring the human immunodeficiency virus insurance program to the department of health. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2613 Prime Sponsor, Representative Darneille: Repealing state regulation of eye banks. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2617 Prime Sponsor, Representative Linville: Requiring further information about certain political campaign contributors. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting nay: Representatives Schindler and Schmidt.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2618 Prime Sponsor, Representative Romero: Demonstrating accountability through reviews of state agencies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting nay: Representatives Schindler and Schmidt.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2619 Prime Sponsor, Representative Romero: Clarifying accepted animal husbandry practices for laying hens. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt; Esser and Jarrett.

Voting yea: Representatives Lantz, Hurst, Dickerson, Lovick and Lysen.

Voting nay: Representatives Carrell, Boldt, Esser and Jarrett.

Referred to Committee on Appropriations.

February 7, 2002

HB 2622 Prime Sponsor, Representative Quall: Improving K-12 preparedness and performance through promoting better oral health. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking

Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2623 Prime Sponsor, Representative Grant: Adjusting the monetary threshold for "substantial development" under the shoreline management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2624 Prime Sponsor, Representative Conway: Allowing the lottery commission to participate in a shared game lottery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.

Voting nay: Representative Chandler.

Excused: Representative McMorris.

Referred to Committee on Finance.

February 6, 2002

HB 2626 Prime Sponsor, Representative McIntire: Creating the evergreen recreation pass. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Jackley; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck; Ericksen; Orcutt and Pearson.

Voting yea: Representatives Doumit, Rockefeller, Eickmeyer, Jackley, McDermott and Upthegrove.

Voting nay: Representatives Sump, Buck, Ericksen, Orcutt and Pearson.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2629 Prime Sponsor, Representative Wood: Regulating elevator contractors and mechanics.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.
Voting nay: Representatives Clements and Chandler.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2630 Prime Sponsor, Representative Conway: Establishing apprenticeship utilization requirements for public works. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.
Voting nay: Representative Chandler.
Excused: Representative McMorris.

Referred to Committee on Capital Budget.

February 6, 2002

HB 2631 Prime Sponsor, Representative Conway: Changing provisions relating to criminal history background checks by state agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2635 Prime Sponsor, Representative Cody: Requiring the development of consolidated purchasing and administration of health care services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Ballasiotes; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Ballasiotes, Conway, Darneille, Edwards and Ruderman.

Voting nay: Representatives Alexander, Benson and Skinner.

Referred to Committee on Appropriations.

February 7, 2002

HB 2641 Prime Sponsor, Representative Gombosky: Implementing the recommendations of the investment income tax deduction task force for the business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2647 Prime Sponsor, Representative Lantz: Authorizing any sitting elected judge to be a judge pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member.

Voting yea: Representatives Lantz, Hurst, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting nay: Representative Carrell.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2655 Prime Sponsor, Representative Schual-Berke: Waiving filing fees and costs for certain protection orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 8, strike "25.50.010(1)" and insert "26.50.010(1)"

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Referred to Committee on Appropriations.

February 8, 2002

HB 2657 Prime Sponsor, Representative Hunt: Requiring the purchase of Washington grown commodities for state institutions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2661 Prime Sponsor, Representative Hurst: Licensing and regulating money transmitters and currency exchangers. Reported by Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien and Schual-Berke.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2662 Prime Sponsor, Representative McDermott: Making payroll deductions for individual providers as defined in RCW 74.39A.240(4). Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements and Chandler.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 6, 2002

HB 2663 Prime Sponsor, Representative Conway: Changing conditions that are presumed to be occupational diseases of fire fighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.

Voting nay: Representative Chandler.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2666 Prime Sponsor, Representative Veloria: Exempting small business innovative research awards from business and occupation tax. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Fromhold and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Fromhold and Gombosky.

Voting nay: Representatives Dunn and Mulliken.

Excused: Representative Van Luven.

Referred to Committee on Finance.

February 7, 2002

HB 2667 Prime Sponsor, Representative Veloria: Regulating social referral service agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 8, 2002

HB 2671 Prime Sponsor, Representative Linville: Creating the permit assistance center in the department of ecology. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby; Quall and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby, Quall and Roach.

Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist and Sump.

Referred to Committee on Appropriations.

February 8, 2002

HB 2672 Prime Sponsor, Representative Kirby: Limiting the liability of providers of treatment to high risk offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member.

Voting yea: Representatives Lantz, Hurst, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting nay: Representative Carrell.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2673 Prime Sponsor, Representative Cooper: Regulating fire truck weight. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Haigh; Hankins; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Ericksen and Romero.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2676 Prime Sponsor, Representative Hatfield: Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2678 Prime Sponsor, Representative Upthegrove: Requiring institutions of higher education to put in place an active prompt on their web sites that link to the secretary of state's voter registration web site. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2682 Prime Sponsor, Representative Sommers: Allowing public officials to provide information on the impact of ballot propositions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2683 Prime Sponsor, Representative O'Brien: Authorizing contracts for provision of basic medical care to sexually violent predators. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2684 Prime Sponsor, Representative Dickerson: Serving child support documents to financial institutions. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.
Excused: Representative Carrell.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2686 Prime Sponsor, Representative Hunt: Reducing the release of mercury into the environment. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.
Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Referred to Committee on Appropriations.

February 7, 2002

HB 2688 Prime Sponsor, Representative Linville: Regulating commodity boards and commissions.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2690 Prime Sponsor, Representative Schual-Berke: Providing emergency contraception to sexual assault victims. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Benson.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.
Voting nay: Representative Benson.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2694 Prime Sponsor, Representative O'Brien: Modifying crime victims' compensation provisions.
Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 7, 2002

HB 2695 Prime Sponsor, Representative Conway: Providing for railroad safety. Reported by
Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements and Chandler.
Excused: Representative McMorris.

Referred to Committee on Transportation.

February 7, 2002

HB 2696 Prime Sponsor, Representative Dickerson: Creating a youthful offender sentencing alternative. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Delvin, Ranking Minority Member; Armstrong and Carrell.

Voting yea: Representatives Dickerson, Darneille, Eickmeyer and Tokuda.
Voting nay: Representatives Delvin, Armstrong and Carrell.

Referred to Committee on Appropriations.

February 6, 2002

HB 2697 Prime Sponsor, Representative Reardon: Incorporating effective economic development planning into growth management planning. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Appropriations.

February 8, 2002

HB 2698 Prime Sponsor, Representative Dunshee: Implementing Instant Runoff Voting. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2699 Prime Sponsor, Representative Lantz: Providing immunity for communications with government agencies and self-regulatory organizations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2702 Prime Sponsor, Representative Carrell: Changing provisions relating to the enforcement of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Esser, Jarrett, Lovick, and Lysen.
Voting nay: Representative Dickerson.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2703 Prime Sponsor, Representative Darneille: Studying the costs and benefits of fluoride in public water supplies. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Ballasiotes; Benson; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Campbell, Ranking Minority Member; Alexander; Conway and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Ballasiotes, Benson, Darneille, Edwards and Ruderman.

Voting nay: Representatives Campbell, Alexander, Conway and Skinner.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2707 Prime Sponsor, Representative Edwards: Modifying the commencement date for long-term caregiver training. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Ballasiotes.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Voting nay: Representatives Alexander and Ballasiotes.

Referred to Committee on Appropriations.

February 8, 2002

HB 2709 Prime Sponsor, Representative Romero: Changing provisions concerning minor party nominating conventions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler.

Voting yea: Representatives Romero, Miloscia, McDermott, Schmidt and Upthegrove.
Voting nay: Representative Schindler.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2710 Prime Sponsor, Representative Van Luven: Applying the consumer protection act to the sale of halal food products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2715 Prime Sponsor, Representative Murray: Revising state convention and trade center marketing provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Chase; Dunn; Fromhold and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Ahern and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Chase, Dunn, Fromhold and Gombosky.
Voting nay: Representatives Mulliken and Ahern.
Excused: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2716 Prime Sponsor, Representative Roach: Requiring cost and benefit assessments early in the rule-making process. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2729 Prime Sponsor, Representative Lovick: Changing provisions relating to vacation of records of conviction for presentencing reform act felony offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt; Esser and Jarrett.

Voting yea: Representatives Lantz, Hurst, Dickerson, Lovick and Lysen.

Voting nay: Representatives Carrell, Boldt, Esser and Jarrett.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2733 Prime Sponsor, Representative Haigh: Creating the task force on school funding review. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Referred to Committee on Appropriations.

February 8, 2002

HB 2735 Prime Sponsor, Representative Romero: Creating a joint task force on permit streamlining. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2741 Prime Sponsor, Representative Nixon: Revising driving privileges for juveniles convicted of motor vehicle felonies. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Eickmeyer.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Carrell and Tokuda.
Voting nay: Representative Eickmeyer.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2747 Prime Sponsor, Representative McDermott: Requiring fiscal impact statements for ballot measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 7, 2002

HB 2748 Prime Sponsor, Representative Schual-Berke: Requiring monitoring of programs for the education of highly capable students. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 1, line 13, after "instruction." insert "In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, and district expenditures used to enrich or expand opportunities for these students."

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Cox and Schindler.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting nay: Representatives Cox and Schindler.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2751 Prime Sponsor, Representative Dunshee: Changing the residential real property seller disclosure statement. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2753 Prime Sponsor, Representative Hatfield: Modifying department of licensing agent or subagent provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Armstrong, Edwards, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.
Excused: Representatives Ericksen and Romero.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2754 Prime Sponsor, Representative Lantz: Modifying mandatory arbitration provisions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Referred to Committee on Appropriations.

February 8, 2002

HB 2757 Prime Sponsor, Representative Rockefeller: Concerning hydraulic project approval. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2758 Prime Sponsor, Representative Quall: Establishing the agricultural conservation easements program. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler,

Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall and Roach.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall and Roach.
Excused: Representative Sump.

Referred to Committee on Appropriations.

February 7, 2002

HB 2759 Prime Sponsor, Representative Buck: Increasing penalties for chemical, biological and other crimes. Reported by Select Committee on Community Security

MAJORITY recommendation: Do pass as amended.

On page 3, after line 2, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 3, after line 38, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 4, after line 31, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 5, after line 27, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 6, after line 14, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 7, after line 13, insert the following:
"For the purposes of this section, "terrorist act" has the same meaning as provided in RCW 70.74.285."

On page 8, line 27, strike "((~~or~~))" and insert "or"

Beginning on page 8, line 29, strike all material through "degree;" on page 9, line 3

Beginning on page 14, line 34, after "1997" strike all material through "degree" on page 15,
line 3

Signed by Representatives Hurst, Chairman; Lisk, Ranking Minority Member; Ballasiotes; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

MINORITY recommendation: Without recommendation. Signed by Representatives Simpson, Vice Chairman.

Voting yea: Representatives Hurst, Lisk, Ballasiotes, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.
Voting nay: Representative Simpson.

Excused: Representative Barlean.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2761 Prime Sponsor, Representative Anderson: Overseeing state information technology projects.
Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Linville; Lysen; Nixon; Reardon; Romero; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.
Voting nay: Representative Hunt.

Referred to Committee on Appropriations.

February 6, 2002

HB 2765 Prime Sponsor, Representative Orcutt: Providing a forest land owner sixty days to file a timber management plan with the assessor. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2767 Prime Sponsor, Representative Orcutt: Prohibiting use of public assistance electronic benefit cards for specified purposes. Reported by Committee on Children & Family Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2768 Prime Sponsor, Representative Orcutt: Requiring review of reports to the legislature by DSHS. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2772 Prime Sponsor, Representative Clements: Disclosing information about crop insurance.
Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Grant; Holmquist; Kirby; Quall and Roach.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Grant, Holmquist, Kirby, Quall and Roach.
Excused: Representatives Dunshee and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2773 Prime Sponsor, Representative Clements: Revising standards for apple grades and requiring reports on the consignment sales of apples under the new standards. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Grant; Holmquist; Kirby; Quall and Roach.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Grant, Holmquist, Kirby, Quall and Roach.
Excused: Representatives Dunshee and Sump.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2801 Prime Sponsor, Representative Alexander: Changing provisions relating to the venue of court actions filed against the state. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Esser.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Jarrett, Lovick and Lysen.
Voting nay: Representative Esser.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2809 Prime Sponsor, Representative Doumit: Concerning the application of pesticides in a forest environment. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2817 Prime Sponsor, Representative Lantz: Clarifying local government land use and zoning powers over gambling activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2819 Prime Sponsor, Representative Doumit: Addressing the uncertainty surrounding reversionary clauses contained in Bush and Callow act deeds. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2822 Prime Sponsor, Representative Romero: Concerning an employee's request to withhold wages for political purposes. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.
Voting nay: Representatives Schindler and Schmidt.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2823 Prime Sponsor, Representative McDermott: Providing information on fiscal impacts of initiatives. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schmidt and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Schindler.

Voting yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting nay: Representatives Schindler and Schmidt.

Excused: Representative McMorris.

Referred to Committee on Appropriations.

February 8, 2002

HB 2824 Prime Sponsor, Representative Skinner: Revising conflict of interest provisions for the long-term care ombudsman program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2827 Prime Sponsor, Representative Chase: Creating individual development accounts for low-income wage earners. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Chase; Fromhold and Gombosky.

MINORITY recommendation: Without recommendation. Signed by Representatives Ahern; Dunn and Mulliken.

Voting yea: Representatives Voloria, Eickmeyer, Chase, Fromhold and Gombosky.

Voting nay: Representatives Ahern, Dunn and Mulliken.

Excused: Representative Van Luven.

Referred to Committee on Appropriations.

February 7, 2002

HB 2829 Prime Sponsor, Representative Mielke: Changing provisions relating to revocation of juvenile driving privileges. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.

Voting nay: Representative Carrell.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2834 Prime Sponsor, Representative Schual-Berke: Requiring a medication or treatment order as a condition for children with life-threatening conditions to attend public school. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2841 Prime Sponsor, Representative Chase: Requiring a student member on the higher education coordinating board. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Dunn, Gombosky, Lantz and Skinner.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2842 Prime Sponsor, Representative Santos: Creating a civil liberties day of remembrance. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2844 Prime Sponsor, Representative Linville: Concerning environmental excellence program agreements. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Grant; Holmquist; Kirby; Quall and Roach.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Grant, Holmquist, Kirby, Quall and Roach.

Excused: Representatives Dunshee and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2846 Prime Sponsor, Representative Romero: Requiring specific funding to implement the buildable lands review and evaluation program. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Appropriations.

February 8, 2002

HB 2847 Prime Sponsor, Representative Cooper: Improving water quality through sound storm water management. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall and Roach.
Voting nay: Representatives Chandler and Sump.

Referred to Committee on Appropriations.

February 7, 2002

HB 2849 Prime Sponsor, Representative Alexander: Revising sales and use taxes for public facilities districts. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Voloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn and Mulliken.

Voting yea: Representatives Voloria, Eickmeyer, Ahern, Chase, Dunn and Mulliken.
Excused: Representatives Van Luven, Fromhold and Gombosky.

Referred to Committee on Finance.

February 7, 2002

HB 2854 Prime Sponsor, Representative Schual-Berke: Coordinating planning and reporting with regard to a bioterrorism incident. Reported by Select Committee on Community Security

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking

Minority Member; Ballasiotes; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.
Excused: Representative Barlean.

Referred to Committee on Appropriations.

February 8, 2002

HB 2864 Prime Sponsor, Representative Linville: Adopting the Washington organic foods commission act. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.
Voting nay: Representatives Schoesler, Chandler, Holmquist, Roach and Sump.
Excused: Representative Delvin.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2866 Prime Sponsor, Representative Doumit: Limiting overlapping jurisdiction regarding the permitting of storm water projects. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; Orcutt and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives McDermott and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, Orcutt and Pearson.
Voting nay: Representatives McDermott and Upthegrove.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2867 Prime Sponsor, Representative Fromhold: Mitigating the effects of the aquatic pesticide national pollutant discharge elimination system permit required as the result of a recent court decision. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Referred to Committee on Appropriations.

February 8, 2002

HB 2874 Prime Sponsor, Representative Schoesler: Authorizing the department of ecology to enter into agreements to allocate Columbia basin project waters. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2886 Prime Sponsor, Representative Simpson: Requiring installation of fire alarms for hearing impaired persons. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Dunn, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Crouse and Mielke.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2892 Prime Sponsor, Representative Clements: Selling apples for fresh consumption. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2893 Prime Sponsor, Representative Clements: Relating to the farm equipment dealers act of 2002. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2901 Prime Sponsor, Representative Conway: Regarding unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2902 Prime Sponsor, Representative Santos: Affirming the authority of cities and towns to operate fire hydrants and streetlights. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2907 Prime Sponsor, Representative Schoesler: Encouraging fund-raising activities on behalf of the state legislative building. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2918 Prime Sponsor, Representative Wood: Authorizing certain organizations to conduct bingo. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney and Lysen.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney and Lysen.
Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2919 Prime Sponsor, Representative Miloscia: Concerning the release of certain laboratory records. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HJM 4022 Prime Sponsor, Representative Linville: Urging Canadian and United States authorities to address border issues. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Excused: Representative Van Luven

Passed to Committee on Rules for second reading.

February 6, 2002

HJM 4024 Prime Sponsor, Representative Dunshee: Requesting State Route 99 be named the William P. Stewart Memorial Highway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke.

Voting yea: Representatives Fisher, Cooper, Lovick, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Voting nay: Representative Mielke.

Excused: Representative Mitchell.

Passed to Committee on Rules for second reading.

February 5, 2002

HJM 4025 Prime Sponsor, Representative Schindler: Requesting that Congress modify IDEA to allow parent choice for assessment and treatment. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 2, line 19, after "as" strike "Individual" insert "Individuals"

Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 8, 2002

HJM 4026 Prime Sponsor, Representative Rockefeller: Requesting a memorial to remember the internment of Japanese-Americans during World War II. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Romero, Miloscia, McDermott, Schindler, Schmidt and Upthegrove.

Excused: Representative McMorris.

Passed to Committee on Rules for second reading.

February 7, 2002

HJM 4027 Prime Sponsor, Representative Hurst: Petitioning the federal government for assistance for the property and casualty insurance market. Reported by Select Committee on Community Security

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien and Schual-Berke.

Excused: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 7, 2002

HJR 4221 Prime Sponsor, Representative Dunshee: Amending the Constitution to revise the method of altering county boundaries. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 7, 2002

HCR 4422 Prime Sponsor, Representative Schual-Berke: Establishing the health care work force commission. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Ballasiotes.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.
Voting nay: Representative Ballasiotes.

Referred to Committee on Appropriations.

February 7, 2002

HCR 4423 Prime Sponsor, Representative Cody: Creating the Health Care Insurance Options Working Group. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Ballasiotes and Benson.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Conway, Darneille, Edwards, Ruderman and Skinner.
Voting nay: Representatives Alexander, Ballasiotes and Benson.

Referred to Committee on Appropriations.

February 6, 2002

HCR 4424 Prime Sponsor, Representative Sump: Studying ways to improve fire fighting. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Education was relieved of further consideration on House Bill No. 1413 and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Health Care was relieved of further consideration on House Bill No. 2582 and the bill was referred to the Committee on Appropriations.

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

There being no objection, the House adjourned until 10:00 a.m., February 11, 2002, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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SPEAKER OF THE HOUSE (Representative Ogden presiding)
Speaker's Privilege: David McKay, Teacher of the Year 1
JOURNAL OF THE HOUSE

TWENTY SIXTH DAY, FEBRUARY 8, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 11, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Korey Payne and Heather Fakkema. The Speaker (Representative Ogden) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Randy Thyberg, Grace Community Covenant Church, Olympia..

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4697, by Representatives Chandler, Conway, Hankins, Morell and Skinner

WHEREAS, Washington's first wine grapes were planted at Fort Vancouver by the Hudson's Bay Company in 1825 and by 1910 wine grapes were growing in most areas of the state with a total economic impact in Washington state today of 2.4 billion dollars; and

WHEREAS, Today the Washington state wine industry has achieved international fame for its outstanding wine products and its strong national and international market growth with Washington wine being shipped to all 50 states and to more than 40 countries across the world; and

WHEREAS, The Washington state wine industry has brought recognition to Washington state as one of the world's premier agricultural regions with 300 wine grape growers and 170 wineries calling the Evergreen state home and more than 29,000 acres of choice vineyard land planted to vinifera grapes in five officially designated AVA's: The Columbia valley, Yakima valley, Red Mountain, Puget Sound, and Walla Walla appellations; and

WHEREAS, Washington state currently ranks second in the United States in total premium wine production with more than 29,000 acres planted to vinifera grapes, producing an expected 97,500 tons in 2001, with finished goods representing over 11 million gallons of wine and over 4 million cases of wine with a total retail value of over 700 million dollars; and

WHEREAS, The Washington state wine industry was recently recognized as "Wine Region of the Year" as part of Wine Enthusiast Magazine's 2001 Annual Wine Awards; and

WHEREAS, Washington state was the second wine region to receive this award and the first American region with Wine Enthusiast Magazine recognizing Washington's rapid 20 year rise in producing world-class wines, a very short time in the world of wine; and

WHEREAS, Significant developments in Washington state included the formation of the Washington Wine Commission in 1987, a unified marketing and trade association which established the Washington Wine Quality Alliance (WWQA) in 1999 to spearhead development of industry standards in wine making and labeling resulting in Washington as the first state in the country to define standards for "reserve" wines; and

WHEREAS, It is the people who make up the Washington wine industry and the unmatched spirit of sharing and cooperation that exists from the largest winery to the smallest wine grape grower that ultimately makes all this success possible;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the extraordinary achievements of the Washington state wine industry and the economic benefits it provides for the people of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage all the citizens of Washington state to visit and enjoy the many excellent wineries throughout the state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington Wine Commission.

Representative Chandler moved the adoption of the resolution.

Representatives Chandler, Lisk, Veloria, Delvin, Morris and Ruderman spoke in favor of the adoption of the resolution.

House Resolution No. 4697 was adopted.

MESSAGE FROM THE SENATE

February 8, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5426,
ENGROSSED SENATE BILL NO. 5459,
SENATE BILL NO. 5694,
SENATE BILL NO. 5782,
SENATE BILL NO. 5832,
ENGROSSED SENATE BILL NO. 5954,
SENATE BILL NO. 6036,
SENATE BILL NO. 6531,
SENATE JOINT MEMORIAL NO. 8004,
SENATE JOINT MEMORIAL NO. 8031,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

HOUSE BILL NO. 2354, by Representatives Alexander, Lantz and Esser; by request of Governor Locke and Attorney General

Regulating the admissibility of benevolent gestures in civil actions.

The bill was read the second time.

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

Representatives Alexander and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2354.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2354 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2354, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2436, by Representatives Eickmeyer, Buck, Doumit, Rockefeller, Clements, Jackley and Haigh; by request of Department of Fish and Wildlife

Allowing the issuance of a group fishing permit to a facility.

The bill was read the second time.

Representatives Eickmeyer and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2436.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2436 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2436, having received the necessary constitutional majority was declared passed.

HOUSE BILL NO. 2438, by Representatives Kenney, Cox, Lantz, Jarrett, Quall, Haigh, Chase, Jackley, Darneille, Ogden and McIntire; by request of The Evergreen State College

Expanding the running start program to allow participation by The Evergreen State College.

The bill was read the second time.

Representatives Kenney and Haigh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2438.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2438 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2438 , having received the necessary constitutional majority was declared passed.

HOUSE BILL NO. 2467, by Representatives Sullivan, Dunshee, DeBolt, Mulliken and Berkey

Modifying county treasurer provisions.

The bill was read the second time.

Representatives Sullivan, Cooper, Dunshee, Ruderman, Talcott, Fisher and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2467.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2467 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2467, having received the necessary constitutional majority was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker congratulated Representative Sullivan on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2537, by Representatives McIntire, Hankins, Chase, Hatfield, Ogden, Simpson, Kessler, Haigh, Conway, Rockefeller, Kenney, Lantz, Quall, Dickerson, Upthegrove, Veloria, Kagi, Murray, Schual-Berke, Fisher, Cody, Tokuda, O'Brien, Lovick, Ruderman, Hunt, McDermott, Linville and Jackley; by request of Governor Locke

Providing authorization for projects recommended by the public works board.

The bill was read the second time.

Representatives McIntire, Hankins and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2537.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2537 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2537, having received the necessary constitutional majority was declared passed.

HOUSE BILL NO. 2570, by Representatives Doumit, Sump, Buck and Hatfield

Extending the period of time for federal assurances with respect to the forests and fish report.

The bill was read the second time.

Representatives Doumit and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2570.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2570 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson,

Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2570, having received the necessary constitutional majority was declared passed.

HOUSE BILL NO. 2625, by Representatives Linville, Buck, Van Luven and Lysen

Allowing the use of purse seine and other lawful fishing gear in certain waters.

The bill was read the second time.

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

Representative Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2625.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2625 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Boldt, Crouse, Edwards, and Schindler - 4.

House Bill No. 2625, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 11, 2002

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8429,
SENATE CONCURRENT RESOLUTION NO. 8430,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SENATE CONCURRENT RESOLUTION NO. 8429,
SENATE CONCURRENT RESOLUTION NO. 8430,

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

INTRODUCTION & FIRST READING

HB 2941 by Representatives Delvin, Hankins, Grant and Kessler

AN ACT Relating to creating a special impact mitigation assistance program to offset the impact of the construction of a nuclear waste treatment and immobilization plant; adding a new section to chapter 82.32 RCW; adding a new section to chapter 70.99 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2942 by Representatives Holmquist, Woods and Lovick

AN ACT Relating to front license plates for heavy trucks; amending RCW 46.16.230; and reenacting and amending RCW 46.16.240.

Referred to Committee on Transportation.

HB 2943 by Representatives Mitchell, Fisher, Ogden, Hankins, McIntire and Chase

AN ACT Relating to referenda; and amending RCW 42.52.180.

Referred to Committee on State Government.

HB 2944 by Representatives Kirby, Sullivan and Simpson

AN ACT Relating to fiscal note estimates; adding a new section to chapter 9.91 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Appropriations.

HB 2945 by Representatives Darneille, Skinner, Ruderman, Fromhold, Ballasiotes, Campbell, Reardon, Santos, Conway, Quall, Ogden and Lysen

AN ACT Relating to insurance coverage for colorectal cancer early detection; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care.

HB 2946 by Representatives Gombosky, Clements, Kessler, Morris, Sommers, Doumit, Grant, Reardon, Kirby and Ogden

AN ACT Relating to authorizing video lottery games to provide a funding source for the new twenty-first century account; amending RCW 67.70.040, 67.70.200, and 67.70.230; adding new sections to chapter 67.70 RCW; adding a new section to chapter 28B.80 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2947 by Representatives Ahern, Schindler, Dunn, Bush and Nixon

AN ACT Relating to limiting publication of personal information of law enforcement-related and court-related employees; and adding new sections to chapter 41.04 RCW.

Referred to Committee on Judiciary.

HB 2948 by Representatives Ahern, Bush, Boldt, Mielke, Mulliken, Pearson, Casada, Holmquist, Schindler and Morell

AN ACT Relating to a minute of silence in the classroom; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2949 by Representatives Gombosky and McIntire

AN ACT Relating to county utility taxes.

Referred to Committee on Finance.

HB 2950 by Representative Gombosky

AN ACT Relating to local government finance; and creating a new section.

Referred to Committee on Finance.

HB 2951 by Representatives Conway and Carrell

AN ACT Relating to tax relief for certain transportation providers for costs associated with the transportation of natural or manufactured gas; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Finance.

HB 2952 by Representatives Morris and Linville

AN ACT Relating to fiscal accountability through educational restructuring; amending RCW 28A.150.080, 28A.150.230, 28A.150.260, 28A.315.005, 28A.400.010, 28A.400.030, 28A.400.100, and 28A.400.200; reenacting and amending RCW 28A.330.100; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.150 RCW; and providing an effective date.

Referred to Committee on Education.

HJM 4029 by Representatives Romero, Schmidt, Ruderman, Ogden, Rockefeller, McIntire and Lysen

Requesting that Congress allow continued use of mail-in ballots.

Referred to Committee on State Government.

SB 5426 by Senators Patterson, Costa, McCaslin, Constantine and Kline

AN ACT Relating to county law library funding; and amending RCW 27.24.070.

Referred to Committee on Judiciary.

ESB 5459 by Senators Roach, Kline, Rasmussen and Winsley

AN ACT Relating to crimes related to mail; amending RCW 13.40.0357; reenacting and amending RCW 9.94A.515; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 5694 by Senators Winsley, Prentice, Kastama and McAuliffe

AN ACT Relating to certification of resident managers of mobile home parks; adding a new chapter to Title 18 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

SB 5782 by Senator Haugen; by request of Washington Traffic Safety Commission

AN ACT Relating to enforcement of safety belt laws; amending RCW 46.61.688 and 46.61.688; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

SB 5832 By Senator Haugen

AN ACT Relating to enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area; and amending RCW 58.17.020.

Referred to Committee on Local Government & Housing.

ESB 5954 by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

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

Referred to Committee on State Government.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Referred to Committee on Transportation.

ESSB 6531 by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Finkbeiner, Brown, Hochstatter, Poulsen and Morton)

AN ACT Relating to amending the authority and duties of the joint committee on energy supply; and amending RCW 44.39.070 and 43.21G.040.

Referred to Committee on Technology, Telecommunications & Energy.

SJM 8004 by Senators Spanel, Swecker, Patterson, Hargrove, Costa, Eide, Fraser, Thibaudeau, Franklin, Regala, Gardner, Prentice, Kline, Kohl-Welles and Haugen

Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca.

Referred to Committee on Agriculture & Ecology.

SJM 8031 by Senators Hale and Fraser

Encouraging re-authorization and full funding of the renewable energy production incentive.

Referred to Committee on Technology, Telecommunications & Energy.

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

MESSAGE FROM THE SENATE

February 11, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5373,
SECOND SUBSTITUTE SENATE BILL NO. 5506,
SENATE BILL NO. 6266,
SENATE BILL NO. 6272,
SUBSTITUTE SENATE BILL NO. 6289,
SENATE BILL NO. 6401,
SENATE BILL NO. 6416,
SENATE BILL NO. 6432,
SUBSTITUTE SENATE BILL NO. 6463,
SENATE BILL NO. 6475,
SENATE BILL NO. 6482,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

SECOND READING

HOUSE BILL NO. 1512, by Representatives Sommers, Ballasiotes, O'Brien, Kagi, Lambert, Dickerson, Lisk, Lovick, Hurst, Delvin, Hankins, Keiser and Dunn

Including computer images in the definition of "visual or printed matter."

The bill was read the second time.

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

Representatives O'Brien, Ballasiotes, Carrell and Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1512 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell,

Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 1512, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Joint Resolution No. 4220, and the joint resolution held its place on the Second Reading calendar.

There being no objection, the House deferred action on House Bill No. 2496, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 1433, by Representatives Cooper, Simpson, Linville, Wood, Ruderman, McDermott and Murray

Requiring disclosure of fire protection and building safety information.

The bill was read the second time.

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

Representative Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1433.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1433 and the bill passed the House by the following vote: Yeas - 84, Nays - 13, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 84.

Voting nay: Representatives Armstrong, Ballard, Benson, Boldt, Chandler, Clements, Crouse, Dunn, Lisk, Mielke, Pflug, Roach, and Skinner - 13.

Excused: Representative Schindler - 1.

House Bill No. 1433, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2170, by Representatives Alexander and Quall

Modifying election provisions for the creation of a lake management district.

The bill was read the second time.

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

Representatives Alexander and Dunshee spoke in favor of passage of the bill.

Representative Talcott spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2170.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2170 and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Barlean, Berkey, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Hunt, Kessler, Lisk, Mastin, McMorris, Mielke, Morell, Nixon, Orcutt, Pearson, Pflug, Roach, Romero, Schmidt, Schoesler, Skinner, Sump, Talcott, Van Luven, and Woods - 42.

Excused: Representative Schindler - 1.

House Bill No. 2170, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2284, by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

Disqualifying commercial drivers for grade crossing violations.

The bill was read the second time.

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

Representative Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2284.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2284 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2284, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2301, by Representatives Lantz, Esser, Anderson, Benson, Upthegrove and Kagi

Authorizing electronic notice and other communications under the Washington business corporation act.

The bill was read the second time. There being no objection, Substitute House Bill No. 2301 was substituted for House Bill No. 2301 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2301 was read the second time.

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

Representatives Lantz and DeBolt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2301.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2301 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2301, having received the necessary constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., February 12, 2002, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1433 Second Reading 11
Third Reading Final Passage 12

1512 Second Reading 11
Third Reading Final Passage 11

2170 Second Reading 12
Third Reading Final Passage 13

2284 Second Reading 13
Third Reading Final Passage 13

2301 Second Reading 13

2301-S Second Reading 13
Third Reading Final Passage 14

2354 Second Reading 2
Third Reading Final Passage 3

2436 Second Reading 3
Third Reading Final Passage 3

2438 Second Reading 3
Third Reading Final Passage 4

2467 Second Reading 4
Third Reading Final Passage 4

2496 Other Action 11

2537 Second Reading 5
Third Reading Final Passage 5

2570 Second Reading 5
Third Reading Final Passage 6

2625 Second Reading 6
Third Reading Final Passage 6

2941 Introduction & 1st Reading 7

2942 Introduction & 1st Reading 7

2943 Introduction & 1st Reading 7

2944 Introduction & 1st Reading 7

2945 Introduction & 1st Reading 7

2946 Introduction & 1st Reading 7

2947 Introduction & 1st Reading 8

2948 Introduction & 1st Reading 8

2949 Introduction & 1st Reading 8

2950 Introduction & 1st Reading 8
2951 Introduction & 1st Reading 8
2952 Introduction & 1st Reading 8
4029 Introduction & 1st Reading 8
4220 Introduction & 1st Reading 8
4697 Other Action 11
Introduced 1
Adopted 2
5292-S Messages 2
5373 Messages 10
5426 Introduction & 1st Reading 9
Messages 2
5459 Introduction & 1st Reading 9
Messages 2
5506-S2 Messages 10
5694 Introduction & 1st Reading 9
Messages 2
5782 Introduction & 1st Reading 9
Messages 2
5832 Introduction & 1st Reading 9
Messages 2
5954 Introduction & 1st Reading 9
Messages 2
6036 Introduction & 1st Reading 9
Messages 2
6266 Messages 10
6272 Messages 10
6289-S Messages 10
6401 Messages 10
6416 Messages 10
6432 Messages 10
6463-S Messages 10
6475 Messages 10

6482 Messages 10
6531 Messages 2
6531-S Introduction & 1st Reading 10
8004 Introduction & 1st Reading 10
Messages 2
8031 Introduction & 1st Reading 10
Messages 2
8429 Other Action 7
Messages 6
8430 Other Action 7
Messages 6

SPEAKER OF THE HOUSE

Point of Personal Privilege: Representative Sullivan 5

JOURNAL OF THE HOUSE

TWENTY NINTH DAY, FEBRUARY 11, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 12, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Whitney Scott and Matt Hays. Prayer was offered by Representative Sarah Casada..

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4702, by Representatives Skinner, Kessler, Hankins, Conway and Lantz

WHEREAS, The arts greatly enhance the lives of the people of the state of Washington; and
WHEREAS, The literary, performing, and visual arts are vibrant threads weaving through the beautiful tapestry of life in the state of Washington; and

WHEREAS, The arts stimulate creative thinking, inspire creativity, provoke innovation, encourage self-expression, knit our communities and our state together with a common understanding of our shared humanity, foster communication and understanding across diverse cultures, and transmit core national and local values to future generations; and

WHEREAS, The arts enable lifelong learning, are essential to a basic education, assist with the teaching of other subjects, and foster logical analysis, self-discipline, cooperation, and teamwork; and

WHEREAS, The arts contribute to full brain development, accelerate students' mastery of history, math, and science, enhance problem-solving skills, and increase the self-esteem of at-risk youth; and

WHEREAS, The arts contribute to the ongoing economic development of our state's communities by generating millions of dollars in revenue each year through performances, projects, exhibitions, festivals, art walks, craft fairs, and concerts; and

WHEREAS, The arts of Washington state have received international acclaim for the outstanding quality of our artists, arts educators, and arts agencies, facilities, organizations, and institutions, drawing audiences from across the nation and the world to the northwest, and making cultural tourism a vital part of our economy; and

WHEREAS, The arts industry informs and educates the public and its leadership about cultural opportunities, and encourages artistic and economic growth; and

WHEREAS, The arts industry provides assistance in long-range community and educational planning in an effort to secure a place for the arts as a vital component of Washington state's environment; and

WHEREAS, The arts industry provides exciting forums for discussion and collaboration between the cultural community at large to implement ways and means to meet identified cultural goals of the area, and supports efforts to meet those needs; and

WHEREAS, The arts industry has played a crucial and substantial role in helping bring about healing for numerous individuals and their families suffering in pain from the tragic events of September 11, 2001;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the arts, artists, arts educators, and arts agencies, facilities, organizations, and institutions of this state, and encourage all the citizens of Washington state to join the conversation in planning on the arts as we address the issues and opportunities for arts and culture for our state and our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Arts Commission and the Office of the Superintendent of Public Instruction on behalf of all the artists, arts educators, and arts agencies, facilities, organizations, and institutions of this state.

Representative Skinner moved the adoption of the resolution.

Representatives Skinner, Romero and Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 4702 was adopted.

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

SECOND READING SUSPENSION CALENDAR

HOUSE BILL NO. 2317, by Representatives Cooper and Benson; by request of Insurance Commissioner

Making technical changes to Title 48 RCW.

The bill was read the second time.

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

Representatives Cooper and Benson spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Woods, Representative Schindler was excused. On motion of Representative Santos, Representative Sommers was excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2317.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2317 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

House Bill No. 2317, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

HOUSE BILL NO. 2341, by Representatives Eickmeyer, Grant, Schoesler, Doumit and Jackley

Attempting to control damage to crops caused by wildlife.

The bill was read the second time. There being no objection, Substitute House Bill No. 2341 was substituted for House Bill No. 2341 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2341 was read the second time.

Representative Doumit moved the adoption of amendment (033):

On page 1, line 6, after "of" strike "qualified individuals" and insert "persons holding valid wildlife hunting licenses"

Representatives Doumit and Sump spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Doumit moved the adoption of amendment (034):

On page 2, line 2, after "opportunity." insert "Hunters who participate in hunts under this section must report any kills to the department. The department shall include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public."

Representatives Doumit and Sump spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Eickmeyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2341.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2341 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

Engrossed Substitute House Bill No. 2341, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2375, by Representatives Rockefeller, Buck, Doumit, Sump, Dunshee, Ericksen, Jackley, Kessler, Eickmeyer, Edwards, Woods, Haigh and McDermott

Requiring a public hearing prior to transfer or disposal of trust land.

The bill was read the second time.

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

Representatives Rockefeller and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2375.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2375 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh,

Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

House Bill No. 2375, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2400, by Representatives Eickmeyer, Buck, Doumit, Sump, Jackley, Rockefeller, Dunn, McDermott and Haigh; by request of Department of Natural Resources

Allowing for the installation of recreational docks and mooring buoys by residential owners abutting state-owned aquatic lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 2400 was substituted for House Bill No. 2400 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2400 was read the second time.

Representatives Eickmeyer and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2400.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2400 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

Substitute House Bill No. 2400, having received the necessary constitutional majority was declared passed.

HOUSE BILL NO. 2426, by Representatives Jackley, Sump, Rockefeller, Doumit, Pearson, Morell and Chase

Clarifying the nature of "acting for a commercial purpose" with respect to a natural resources violation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2426 was substituted for House Bill No. 2426 and the Substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2426 was read the second time.

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

Representatives Jackley and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2426.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2426 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

Substitute House Bill No. 2426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2450, by Representatives Hatfield, Dunshee, DeBolt, Jarrett and Anderson

Updating the Washington trade center act to authorize electronic commerce activities.

The bill was read the second time.

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

Representative Hatfield spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2450.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2450 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Schindler, and Sommers - 2.

House Bill No. 2450, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2493, by Representatives Jackley, Mulliken, Dunshee, Ogden, Dunn, Wood and Casada

Removing the limitation on the number of volunteer fire fighters.

The bill was read the second time.

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

Representative Jackley spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2493.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2493 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2493, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2502, by Representatives Sump, Doumit, Rockefeller, Pearson, Jackley and Chase

Concerning the establishment of the forest products commission.

The bill was read the second time. There being no objection, Substitute House Bill No. 2502 was substituted for House Bill No. 2502 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2502 was read the second time.

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

Representatives Sump and Doumit spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2502.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2502 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2502, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2557, by Representatives Lovick, Sump, Doumit, Buck, O'Brien, Pearson, Rockefeller, Ogden, McDermott, Mitchell, Boldt, Ericksen, Morell, Kenney and Jackley

Revising provisions relating to metropolitan park districts.

The bill was read the second time. There being no objection, Substitute House Bill No. 2557 was substituted for House Bill No. 2557 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2557 was read the second time.

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

Representatives Lovick, Doumit, Sump and Dunshee spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2557.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2557 and the bill passed the House by the following vote: Yeas - 76, Nays - 21, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 76.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Chandler, Clements, Crouse, DeBolt, Dunn, Esser, Holmquist, Lisk, Mastin, Mielke, Mulliken, Pflug, Roach, Skinner, and Van Luven - 21.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2557, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

MESSAGE FROM THE SENATE

February 12, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5478,
SENATE BILL NO. 6003,
SUBSTITUTE SENATE BILL NO. 6241,
SUBSTITUTE SENATE BILL NO. 6288,
SENATE BILL NO. 6319,
SENATE BILL NO. 6417,
SENATE BILL NO. 6427,
SUBSTITUTE SENATE BILL NO. 6461,
SENATE BILL NO. 6578,
SENATE CONCURRENT RESOLUTION NO. 8406,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

HOUSE BILL NO. 1397, by Representatives Tokuda, Boldt, Kagi, Benson, Kenney, Cody, Schual-Berke and Santos

Creating the relative caregiver program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 1397 was read the second time.

The bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1397.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 1397, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2285, by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

Modifying fuel tax provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fisher and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2285.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2285 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2285, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2286, by Representatives Fisher, Hatfield, Mitchell and Haigh; by request of Department of Licensing

Correcting language regarding certificates of ownership for stolen vehicles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fisher and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2286.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2286 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2286, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2297, by Representatives Dunn, Fromhold, Ogden, Delvin and Schual-Berke

Revising limitations on county auditors.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dunn and Dunshee spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2297.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2297 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2297, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2318, by Representatives Cody, Campbell, Kenney and Edwards; by request of Insurance Commissioner

Allowing a designee to represent the insurance commissioner on the health care facilities authority.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2318 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2318, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2320, by Representatives McDermott, Schmidt, Romero, McMorris, Santos, Miloscia, Kessler, Haigh and Edwards; by request of Public Disclosure Commission

Regarding campaign contributions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives McIntire and Schmidt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2320.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2320 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell,

Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2320, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

There being no objection, the following bills were returned to second reading for purpose of amendments:

HOUSE BILL NO. 2356,
HOUSE BILL NO. 2612,
HOUSE BILL NO. 2688,

HOUSE BILL NO. 2358, by Representatives Upthegrove and Schual-Berke

Revising provisions relating to annexation of unincorporated territory with boundaries contiguous to two municipal corporations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Upthegrove, Mulliken, Doumit, Linville and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2358.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2358 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representative Doumit - 1.

Excused: Representative Schindler - 1.

House Bill No. 2358, having received the necessary constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Doumit, having voted on the prevailing side, moved that the rules be suspended, and that the House immediately reconsider the vote on House Bill No. 2358. The motion was carried.

RECONSIDERATION

Speaker Chopp stated the question before the House to be final passage of House Bill No. 2358 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2358 on reconsideration and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2358, on reconsideration having received the constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker congratulated Representative Upthegrove on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2370, by Representatives Schoesler, Cox, Eickmeyer, Ahern, Chandler, Mulliken and Haigh

Authorizing all counties to share county road engineering services.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schoesler and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2370.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2370 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase,

Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2370, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2397, by Representatives Linville, Schoesler and Hunt; by request of Department of Agriculture

Regulating organic food products.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2397.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2397 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2397, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2435, by Representatives Jackley, Eickmeyer, Doumit, Buck, Rockefeller, Clements, Berkey and Orcutt; by request of Department of Fish and Wildlife

Setting fees for the production of duplicate fish and wildlife license documents.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2435 was read the second time.

The bill was placed on final passage.

Representatives Jackley and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2435.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2435 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2435, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2508, by Representatives Berkey, Casada, Dunshee, DeBolt, Sullivan, Crouse and Kirby

Revising provisions relating to medical plans for elected city officials.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Berkey and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2508.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2508 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2508, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2524, by Representatives Chase, Kirby, Dunshee, Mielke, Mulliken, Crouse and Miloscia

Transmitting city and town budgets to the municipal research and services center.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Chase, Mulliken, Cooper, Kagi and Eickmeyer spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2524.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2524 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2524, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

The Speaker congratulated Representative Chase on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 2526, by Representatives Berkey, Mulliken, Dunshee, Mielke, Kirby, Crouse and Linville

Providing exemptions from SEPA for reductions of city limits and disincorporations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Berkey and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2526.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2526 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2526, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2571, by Representatives Dunshee, Crouse, Dunn, Schmidt and Kirby

Authorizing port districts to pay claims or other obligations by check or warrant.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dunshee and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2571.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2571 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson,

Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2571, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2668, by Representatives Linville, Schoesler, Dunshee, Delvin and Chase; by request of Department of Ecology

Modifying well construction provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2668.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2668 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

House Bill No. 2668, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2357, by Representatives Veloria, Mulliken, Ogden, Fromhold, Upthegrove, Kessler, Schual-Berke, Conway and Kagi

Addressing community renewal.

The bill was read the second time. There being no objection, Substitute House Bill No. 2357 was substituted for House Bill No. 2357 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2357 was read the second time.

Representative Benson moved the adoption of amendment (059):

On page 39, after line 14, insert the following:

"NEW SECTION. Sec. 28. The legislature finds that there is a critical need to establish a single purpose agency to administer Washington's water resource laws and that the agency be directly accountable to the voters of the state of Washington.

The legislature declares that the findings of the governor's Washington competitiveness council released December 11, 2001, are accurate and that a water commission is necessary for the effective management of the water resources of the state. The legislature further declares that there is a growing necessity to provide for the increasing need of the state and its citizens for water for industrial, agricultural, residential, social, economic, recreational, environmental, and other needs and to plan, coordinate, restore, and regulate the utilization of our water resources in a manner that ensures that the public interest is protected.

NEW SECTION. Sec. 29. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Commission" means the Washington water commission.
- (2) "Commissioner" means a member of the Washington water commission.
- (3) "Chair" means the chair of the commission.
- (4) "Department" means the Washington state department of ecology.
- (5) "Public interest" means all uses of the water resources of the state and its impact on the state of Washington and its citizens, including the use of water for domestic, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, thermal power production, recreation, and the preservation of environmental values and all other uses compatible with the enjoyment of the public waters of the state.

NEW SECTION. Sec. 30. There is created a department of state government to be known as the Washington water commission.

The commission has the following powers, duties, and functions with regard to water resources:

- (1) The supervision of the public waters within the state and their appropriation, diversion, and use, and of the various officers and employees of the state connected therewith;
- (2) The supervision of construction and inspection of all water works for the purpose of reasonably securing safety to life and property;
- (3) Determinations as to the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;
- (4) Providing assistance to applicants for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035;
- (5) Maintaining records as may be necessary for the recording of the financial transactions and statistical data thereof;
- (6) Making written reports of the office's work to the governor and the legislature with recommendations for legislation as the commission deems advisable;
- (7) Exercising all the powers and duties prescribed by law with respect to flood control;
- (8) The adoption of rules for the administration of Washington water resource laws;
- (9) Supervision over Washington water resource laws for the purpose of ensuring that the administration of the laws and the use and conservation of water resources benefits the public interest; and
- (10) Performing other duties as may be prescribed by law.

NEW SECTION. Sec. 31. The commission consists of seven members who are registered voters. Three commissioners must be residents of the portion of the state lying east of the summit of the Cascade mountains and be elected at large from that portion of the state. Three commissioners must be residents of the portion of the state lying west of the summit of the Cascade mountains and be elected at large from that portion of the state. The governor must appoint a seventh commissioner with the advice of the Washington state senate. Elected commissioners serve four-year terms. The initial terms must be staggered so that a total of three commissioners are elected at each general election held

in even-numbered years. The commissioner appointed by the governor serves at the pleasure of the governor.

NEW SECTION. Sec. 32. (1) All powers, duties, and functions of the department of ecology pertaining to those powers and duties set out in section 30 of this act are transferred to the commission. All references to the director or the department of ecology in the Revised Code of Washington shall be construed to mean the commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the commission.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the commission.

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

(3) All employees of the department of ecology engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the commission. All existing contracts and obligations shall remain in full force and shall be performed by the commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of ecology shall not affect the validity of any act performed before the effective date of this section.

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

(7) This section does not alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 33. Sections 28 through 32 of this act constitute a new chapter in Title 90 RCW."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (059) to Substitute House Bill No. 2357.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Chandler moved the adoption of amendment (060):

On page 39, after line 14, insert the following:

"**Sec. 28.** RCW 90.48.020 and 1995 c 255 s 7 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington. However, artificially created industrial ponds, including, but not limited to, waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the federal water pollution control act (33 U.S.C. Sec. 1251 et seq.) are not considered to be waters of the state for purposes of this chapter.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under RCW 17.26.020."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (060).

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

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

Representatives Veloria and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2357 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2357, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2437, by Representatives Veloria, Talcott, Conway, Darneille, Dunn, Lovick, Chase, Wood, Jackley and Ogden

Promoting economic revitalization.

The bill was read the second time. There being no objection, Substitute House Bill No. 2437 was substituted for House Bill No. 2437 and the Substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2437 was read the second time.

Representative Sehlin moved the adoption of amendment (058):

On page 4, after line 21, insert the following:

"**Sec. 7.** RCW 4.84.370 and 1995 c 347 s 718 are each amended to read as follows:

(1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the (~~shoreline(s)~~) shorelines hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal.

(3) A party filing for appeal with the court of appeals or supreme court shall, at the time of filing, file with the court a bond in an amount to be determined by the supreme court. The amount shall be a predetermined amount that covers the average cost of attorneys' fees for land use appeals subject to this section."

Renumber the remaining section consecutively and correct internal references and the title accordingly.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (058) to Substitute House Bill No. 2437.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Cairnes moved the adoption of amendment (057):

On page 4, after line 23, insert the following:

"**Sec. 8.** RCW 82.08.050 and 2001 c 188 s 4 are each amended to read as follows:

(1)(a) The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, minus the amount retained by the seller for administration as provided in subsection (2) of this section, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a gross misdemeanor.

(b) In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer in good faith a properly executed resale certificate under RCW 82.04.470 or a copy of a direct pay permit issued under RCW 82.32.087.

(c) The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor. The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

(d) Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

(2) Each seller shall retain, as reimbursement for the costs associated with collection and administration under this section, the following amounts each reporting period:

(a) 1.05 percent of the tax collected under this section on the first forty thousand dollars of reimbursable sales per month in the reporting period; and

(b) 0.50 percent of the tax collected under this section on reimbursable sales greater than forty thousand dollars but less than seven hundred thousand per month in the reporting period.

(3) No reimbursement is allowed under this section for taxable sales of seven hundred thousand dollars or more per month in the reporting period.

(4) As used in this section "reimbursable sale" means any sale subject to tax under RCW 82.08.020, other than sales defined in RCW 82.04.050(2)(b).

NEW SECTION. **Sec. 9.** A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to amounts retained by a seller for administration under RCW 82.08.050(2).

NEW SECTION. **Sec. 10.** Sections 8 and 9 of this act take effect October 1, 2003."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (057) to Substitute House Bill No. 2437.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

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

Representatives Veloria, Conway, Talcott, Veloria (again) and Reardon spoke in favor of passage of the bill.

Representatives DeBolt, Sehlin and Clements spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2437.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2437 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Armstrong, Ballard, Bush, Crouse, Mastin, Mielke, and Schoesler - 7.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2437, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2628, by Representatives Chase, Edwards, Murray, Hunt, Lovick, Kenney, Schmidt, Veloria, Haigh and Conway

Exempting small business technology awards from business and occupation tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 2628 was substituted for House Bill No. 2628 and the Substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2628 was read the second time.

Representative Carrell moved the adoption of amendment (047):

On page 1, after line 9, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that employers are becoming increasingly discouraged from disclosing job reference information. The legislature further finds that full disclosure of such information will increase productivity, enhance the safety of the workplace, and provide greater opportunities to disadvantaged groups who may not have the educational background or resumes of other workers.

NEW SECTION. Sec. 2. A new section is added to chapter 4.24 RCW to read as follows:
An employer who discloses information about a former or current employee's job performance, conduct, or other work-related information to a prospective employer, or employment agency as defined by RCW 49.60.040, at the specific request of that individual employer or employment agency, is presumed to be acting in good faith and is immune from civil liability for such disclosure or its consequences. For purposes of this section, the presumption of good faith may only be rebutted upon a showing by clear and convincing evidence that the information disclosed by the employer was knowingly false or deliberately misleading."

Renumber the remaining section consecutively and correct the title.

On page 1, line 10, after "**Sec. 2.**" strike "This" and insert "Section 1 of this"

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (047) to Substitute House Bill No. 2628.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Clements moved the adoption of amendment (048):

On page 1, after line 9, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 49.17 RCW to read as follows:
Rules dealing with musculoskeletal disorders, adopted on May 26, 2000, by the director, and codified as WAC 296-62-05101 through 296-62-05176, shall have no force or effect. The director shall not adopt any new or amended rules dealing with musculoskeletal disorders that are substantially the same as these rules.

Sec. 3. RCW 49.17.040 and 1973 c 80 s 4 are each amended to read as follows:
Except as provided in section 2 of this act, the director shall make, adopt, modify, and repeal rules ~~((and regulations))~~ governing safety and health standards for conditions of employment as authorized by this chapter after a public hearing in conformance with the administrative procedure act and the provisions of this chapter. At least thirty days prior to such public hearing, the director shall cause public notice of such hearing to be made in newspapers of general circulation in this state, of the

date, time, and place of such public hearing, along with a general description of the subject matter of the proposed rules and information as to where copies of any rules (~~(and regulations)~~) proposed for adoption may be obtained and with a solicitation for recommendations in writing or suggestions for inclusion or changes in such rules to be submitted not later than five days prior to such public hearing. Any preexisting rules adopted by the department of labor and industries relating to health and safety standards in work places subject to the jurisdiction of the department shall remain effective insofar as such rules are not inconsistent with the provisions of this chapter.

Sec. 4. RCW 49.17.050 and 1998 c 224 s 1 are each amended to read as follows:

Except as provided in RCW 49.17.040, in the adoption of rules (~~(and regulations)~~) under the authority of this chapter, the director shall:

(1) Provide for the preparation, adoption, amendment, or repeal of rules (~~(and regulations)~~) of safety and health standards governing the conditions of employment of general and special application in all work places;

(2) Provide for the adoption of occupational health and safety standards which are at least as effective as those adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 84 Stat. 1590);

(3) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards at their work places and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(4) Provide for the promulgation of health and safety standards and the control of conditions in all work places concerning gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents which shall set a standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life; any such standards shall require where appropriate the use of protective devices or equipment and for monitoring or measuring any such gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents;

(5) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment which will assist in achieving the objectives of this chapter;

(6) Provide for the frequency, method, and manner of the making of inspections of work places without advance notice; and,

(7) Provide for the publication and dissemination to employers, employees, and labor organizations and the posting where appropriate by employers of informational, education, or training materials calculated to aid and assist in achieving the objectives of this chapter;

(8) Provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of this chapter and all applicable safety and health standards and rules (~~(and regulations promulgated)~~) adopted pursuant to the authority of this chapter;

(9) Provide for the adoption of safety and health standards requiring the use of safeguards in trenches and excavations and around openings of hoistways, hatchways, elevators, stairways, and similar openings;

(10) Provide for the promulgation of health and safety standards requiring the use of safeguards for all vats, pans, trimmers, cut off, gang edger, and other saws, planers, presses, formers, cogs, gearing, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of similar description, which can be effectively guarded with due regard to the ordinary use of such machinery and appliances and the danger to employees therefrom, and with which the employees of any such work place may come in contact while in the performance of their duties and prescribe methods, practices, or processes to be followed by employers which will enhance the health and safety of employees in the performance of their duties when in proximity to machinery or appliances mentioned in this subsection;

(11) Certify that no later than twenty business days prior to the effective date of any significant legislative rule, as defined by RCW 34.05.328, a meeting of impacted parties is convened to: (a) Identify ambiguities and problem areas in the rule; (b) coordinate education and public relations efforts

by all parties; (c) provide comments regarding internal department training and enforcement plans; and (d) provide comments regarding appropriate evaluation mechanisms to determine the effectiveness of the new rule. The meeting shall include a balanced representation of both business and labor from impacted industries, department personnel responsible for the above subject areas, and other agencies or key stakeholder groups as determined by the department. An existing advisory committee may be utilized if appropriate.

NEW SECTION. Sec. 5. Sections 2 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

On page 1, line 10, after "Sec. 2." strike "This" and insert "Section 1 of this"

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (048) to Substitute House Bill No. 2628.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Delvin moved the adoption of amendment (062):

On page 1, line 10, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a taxpayer may claim a credit for fifty percent of the amount of the taxes imposed under RCW 82.64.020 and paid to a wholesaler or to the department. Credits shall not exceed the amount of tax paid by the taxpayer under this chapter during the reporting period. Credits in excess of tax paid under this chapter in a reporting period may be carried forward to future reporting periods for a maximum of one year.

(2) For the purposes of this section, "taxpayer" does not include a wholesaler with respect to tax collected by the wholesaler and paid to the department under RCW 82.64.050.

NEW SECTION. Sec. 3. (1) Section 1 of this act takes effect January 1, 2003.

(2) Section 2 of this act takes effect July 1, 2003."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (062) to Substitute House Bill No. 2628.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Esser moved the adoption of amendment (065):

On page 1, line 10, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing the tax imposed under this chapter, a taxpayer may claim a credit for fifty percent of the amount of the taxes imposed under RCW 82.64.020 and paid to a wholesaler or to the department. Credits shall not exceed the amount of tax paid by the taxpayer under this chapter during the reporting period. Credits in excess of tax paid under this chapter in a reporting period may be carried forward to future reporting periods for a maximum of one year.

(2) For the purposes of this section, "taxpayer" does not include a wholesaler with respect to tax collected by the wholesaler and paid to the department under RCW 82.64.050.

NEW SECTION. Sec. 3. (1) Section 1 of this act takes effect January 1, 2003.

(2) Section 2 of this act takes effect July 1, 2003."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (065) to Substitute House Bill No. 2628.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

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

Representatives Chase and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2628.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2628 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2628, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2735, by Representatives Romero, Doumit, Linville, Rockefeller, Edwards, Ogden, Dickerson, Jackley, Grant, O'Brien, Upthegrove, Conway and Kenney

Creating a joint task force on permit streamlining.

The bill was read the second time. There being no objection, Substitute House Bill No. 2735 was substituted for House Bill No. 2735 and the Substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2735 was read the second time.

Representative Romero moved the adoption of amendment (066):

On page 1, line 10, after "streamlining" insert ", while insuring protection of the environment"

On page 2, line 5, after "organizations;" strike "developers;"

On page 2, line 24, after "while" strike "taking into account" and insert "insuring"

On page 2, line 29, after "manner;" strike "and"

On page 2, after line 32, insert the following:

"(e) Identification of resource problems which affect the ability of permitting agencies to issue permits in a timely manner; and

(f) Examination of a means to expedite permit processing when more stringent environmental standards are agreed upon."

Correct internal references.

Representative Romero spoke in favor of adoption of the amendment.

Representative DeBolt spoke against the adoption of the amendment.

The amendment was adopted.

Representative DeBolt moved the adoption of amendment (049):

On page 3, after line 3, insert the following:

"**NEW SECTION. Sec. 4.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county, after conferring with its cities, may develop alternative methods of achieving the planning goals established by RCW 36.70A.020.

(2) The authority provided by this section may not be used to modify:

(a) Requirements for the designation and protection of critical areas or for the designation of natural resource lands under RCW 36.70A.060(2), 36.70A.170, and 36.70A.172;

(b) The requirement that wetlands be delineated consistent with the requirements of RCW 36.70A.175; or

(c) The requirement to establish a process for the siting of essential public facilities pursuant to RCW 36.70A.200.

(3) Before adopting any alternative methods of achieving the planning goals established by RCW 36.70A.020, a county shall provide an opportunity for public review and comment. An ordinance or resolution proposing or adopting alternative methods must be submitted to the department in the same manner as provided in RCW 36.70A.106 for submittal of proposed and adopted comprehensive plans and development regulations."

Renumber the remaining sections and correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (049) to Substitute House Bill No. 2735.

SPEAKER'S RULING

Mr. Speaker: "Representative Hatfield, your point is well taken."

Representative Holmquist moved the adoption of amendment (055):

On page 3, after line 3, insert the following:

"**Sec. 4.** RCW 36.70A.040 and 2000 c 36 s 1 are each amended to read as follows:

(1) Each county that has:

(a) Both a population of fifty thousand or more and, until May 16, 1995, has had its population increase by more than ten percent in the previous ten years or, ~~((on or after))~~ beginning May 16, 1995, through June 30, 1998, has had its population increase by more than seventeen percent in the previous ten years; or

(b) On or after July 1, 1998, has both a population of sixty thousand or more and has had its population increase by more than seventeen percent in the previous ten years, and the cities located within such county, and any other county regardless of its population that has had its population increase by more than twenty percent in the previous ten years, and the cities located within such county, shall ~~((conform with all of the requirements of this chapter))~~ plan under this section. However, the county legislative authority of such a county with a population of less than fifty thousand population may adopt a resolution removing the county, and the cities located within the county, from the requirements ~~((of adopting comprehensive land use plans and development regulations under this chapter))~~ to plan under this section if this resolution is adopted and filed with the department by December 31, 1990, for counties initially meeting this set of criteria, or within sixty days of the date the office of financial management certifies that a county meets this set of criteria under subsection (5) of this section. For the purposes of this subsection, a county not currently planning under this chapter is not required to include in its population count those persons confined in a correctional facility under the jurisdiction of the department of corrections that is located in the county.

Once a county meets either of these sets of criteria, the requirement to ~~((conform with all of the requirements of this chapter))~~ plan under this section remains in effect, even if the county no longer meets one of these sets of criteria.

(2) The county legislative authority of any county that does not meet either of the sets of criteria established under subsection (1) of this section may adopt a resolution indicating its intention ~~((to have subsection (1) of this section apply to))~~ that the county plan under this section. Each city, located in a county that ~~((chooses to plan))~~ adopts a resolution under this subsection, shall ~~((conform with all of the requirements of this chapter))~~ plan under this section. Once such a resolution has been adopted, the county and the cities located within the county remain subject to all of the requirements of this ~~((chapter))~~ section, unless the county removes itself, and the cities located within the county, from the requirement to plan under this section under the procedures in subsection (8) of this section.

(3) Any county or city that is initially required to ~~((conform with all of the requirements of this chapter))~~ plan under ~~((subsection (1) of))~~ this section shall take actions under this chapter as follows:

(a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall designate critical areas, agricultural lands, forest lands, and mineral resource lands, and adopt development regulations conserving these designated agricultural lands, forest lands, and mineral resource lands and protecting these designated critical areas, under RCW 36.70A.170 and 36.70A.060; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; (d) if the county has a population of fifty thousand or more, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan on or before July 1, 1994, and if the county has a population of less than fifty

thousand, the county and each city located within the county shall adopt a comprehensive plan under this chapter and development regulations that are consistent with and implement the comprehensive plan by January 1, 1995, but if the governor makes written findings that a county with a population of less than fifty thousand or a city located within such a county is not making reasonable progress toward adopting a comprehensive plan and development regulations the governor may reduce this deadline for such actions to be taken by no more than one hundred eighty days. Any county or city subject to this subsection may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(4) Any county or city that is required to ~~((conform with all the requirements of this chapter))~~ plan under this section, as a result of the county legislative authority adopting its resolution of intention under subsection (2) of this section, and the county has not removed itself, and the cities located within the county, from the requirement to plan under this section under the procedures in subsection (8) of this section, shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city that is located within the county shall adopt development regulations conserving agricultural lands, forest lands, and mineral resource lands it designated under RCW 36.70A.060 within one year of the date the county legislative authority adopts its resolution of intention; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan not later than four years from the date the county legislative authority adopts its resolution of intention, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(5) If the office of financial management certifies that the population of a county that ~~((previously had not been required to))~~ does not plan under ((subsection (1) or (2) of)) this section has changed sufficiently to meet either of the sets of criteria specified under subsection (1) of this section, and where applicable, the county legislative authority has not adopted a resolution removing the county from these requirements as provided in subsection (1) of this section, the county and each city within such county shall take actions under this chapter as follows: (a) The county legislative authority shall adopt a countywide planning policy under RCW 36.70A.210; (b) the county and each city located within the county shall adopt development regulations under RCW 36.70A.060 conserving agricultural lands, forest lands, and mineral resource lands it designated within one year of the certification by the office of financial management; (c) the county shall designate and take other actions related to urban growth areas under RCW 36.70A.110; and (d) the county and each city located within the county shall adopt a comprehensive land use plan and development regulations that are consistent with and implement the comprehensive plan within four years of the certification by the office of financial management, but a county or city may obtain an additional six months before it is required to have adopted its development regulations by submitting a letter notifying the department of community, trade, and economic development of its need prior to the deadline for adopting both a comprehensive plan and development regulations.

(6) A copy of each document that is required under this section shall be submitted to the department at the time of its adoption.

(7) Cities and counties planning under this chapter must amend the transportation element of the comprehensive plan to be in compliance with this chapter and chapter 47.80 RCW no later than December 31, 2000.

(8) The county legislative authority of any county with a population of less than fifty thousand that is required to plan by reason of adopting a resolution under subsection (2) of this section, and any county with a population of less than fifty thousand that at any time has had the authority to remove itself from the requirements of this chapter by adoption of a resolution under subsection (1) of this section, may remove the county and the cities located within the county from the requirement to plan under this section under the procedures in this subsection.

(a) By December 31, 2002, the county legislative authority, by majority vote, may adopt a resolution stating its intent to remove the county, and the cities located within the county, from the requirement to plan under this section and submit the resolution to the cities located within the county.

(b) If the county has two or more cities, the county and the cities located within the county are no longer subject to the requirement to plan:

(i) If within sixty days of submission of the resolution of intent, a majority of the cities adopt resolutions concurring in the resolution of the county; or

(ii) If the cities do not concur within sixty days under (b)(i) of this subsection, if a resolution removing the county and the cities located within the county from the requirement to plan under this section is submitted to and approved by a majority of the registered voters in the county at the next general election.

(c) If the county has one city, the county and the city located within the county are no longer subject to the requirement to plan:

(i) If within sixty days of submission of the resolution of intent, the city adopts a resolution concurring in the resolution of the county; or

(ii) If the city does not concur within sixty days under (c)(i) of this subsection, if a resolution removing the county and the city located within the county from the requirement to plan under this section is submitted to and approved by a majority of the registered voters in the county at the next general election.

(d) A county, and the cities located within the county, that are no longer required to plan under this section remain subject to the requirements for the designation and protection of critical areas and the designation of natural resource lands under RCW 36.70A.060(2), 36.70A.170, and 36.70A.172.

NEW SECTION. Sec. 5. A new section is added to chapter 36.70A RCW to read as follows:
If a resolution is adopted or approved under RCW 36.70A.040(8) removing the county and the cities located within the county from the requirement to plan under this chapter, any claim pending before a board or court that relates to the requirement to plan under this chapter is moot and the claim shall be dismissed."

Renumber the remaining sections consecutively and correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (055) to Substitute House Bill No. 2735.

SPEAKER'S RULING

Mr. Speaker: "Representative Hatfield, your point is well taken."

Representative McMorris moved the adoption of amendment (050):

On page 3, line 4, after "**Sec. 4.**" strike everything through "immediately." on line 7 and insert "Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 3, line 8, after "**Sec. 5.**" strike "This act expires" and insert "Sections 1 and 2 of this act expire"

On page 3, after line 8, insert the following:

"**NEW SECTION. Sec. 6.** The legislature finds that many small businesses in the state are frustrated by the complexity of the regulatory system. The Washington Administrative Code containing agency rules now fills twelve volumes, and appears to be growing each year. While the vast majority of small businesses make a good faith attempt to comply with applicable laws and rules, many find it extremely difficult to keep up with agencies' issuance of new rules and requirements. Therefore, state agencies are directed to make a good faith attempt to notify businesses affected by rule changes that may subject noncomplying businesses to penalties. Further, the legislature finds that requiring the governor's signatures on new agency rules will promote accountability and reduce future

regulatory burdens on small businesses. Finally, the legislature finds that small businesses lack the resources that state agencies routinely use in defending administrative rules that may have been adopted unlawfully, without regard to proper administrative procedures, or which exceed an agency's statutory authority. The legislature therefore finds that it is necessary to place the burden of demonstrating that new administrative rules are adopted in a lawful manner upon the adopting agency.

NEW SECTION. Sec. 7. A new section is added to chapter 34.05 RCW to read as follows:

Within two hundred days of the effective date of a rule that imposes additional requirements on businesses the violation of which subjects the business to a penalty, assessment, or administrative sanction, an agency shall make a good faith effort to notify businesses affected by the rule of the requirements of the rule and how to obtain technical assistance to comply. For purposes of this section, "good faith" means: (1) The agency at least notifies businesses in the standard industrial classifications or their successor identified in the rule-making file as businesses affected by the rule that are registered with the department of revenue; or (2) for rules imposing additional requirements only on persons or firms licensed, registered, or operating under a permit, the agency notifies those persons or firms holding the license, registration, or permit. The notification must announce the rule change, briefly summarize the rule change, and include a contact for more information. Notification may be by individual notice, agency bulletins or newsletters, or any other means that will reasonably inform affected businesses. Failure to notify a specific business under this section does not invalidate a rule or waive the requirement to comply with the rule.

Sec. 8. RCW 34.05.360 and 1988 c 288 s 311 are each amended to read as follows:

The order of adoption by which each rule is adopted by an agency shall contain all of the following:

- (1) The signature of the governor;
- (2) The date the agency adopted the rule;
- ~~((2))~~ (3) A concise statement of the purpose of the rule;
- ~~((3))~~ (4) A reference to all rules repealed, amended, or suspended by the rule;
- ~~((4))~~ (5) A reference to the specific statutory or other authority authorizing adoption of the rule;
- ~~((5))~~ (6) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and
- ~~((6))~~ (7) The effective date of the rule if other than that specified in RCW 34.05.380(2).

Sec. 9. RCW 34.05.570 and 1995 c 403 s 802 are each amended to read as follows:

- (1) Generally. Except to the extent that this chapter or another statute provides otherwise:
 - (a) Except as provided in subsection (2) of this section and except that an agency bears the burden of demonstrating that the agency action was authorized by law, the burden of demonstrating the invalidity of agency action is on the party asserting invalidity;
 - (b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken;
 - (c) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based; and
 - (d) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by the action complained of.
- (2) Review of rules. (a) A rule may be reviewed by petition for declaratory judgment filed pursuant to this subsection or in the context of any other review proceeding under this section. In an action challenging the validity of a rule, the agency shall be made a party to the proceeding.
- (b) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court (i) of Thurston county, (ii) of the county of the petitioner's residence or principal place of business, or (iii) in a county where property owned by the petitioner and affected by the contested rule is located, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question. When the validity of a rule is challenged, after the petitioner has identified the defects in the rule, the burden of going forward with the evidence is on the agency.

(c) In a proceeding involving review of a rule, the court shall declare the rule invalid only if it finds that: The rule violates constitutional provisions; the rule exceeds the statutory authority of the agency; the rule was adopted without compliance with statutory rule-making procedures; or the rule is arbitrary and capricious.

(3) Review of agency orders in adjudicative proceedings. The court shall grant relief from an agency order in an adjudicative proceeding only if it determines that:

(a) The order, or the statute or rule on which the order is based, is in violation of constitutional provisions on its face or as applied;

(b) The order is outside the statutory authority or jurisdiction of the agency conferred by any provision of law;

(c) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow a prescribed procedure;

(d) The agency has erroneously interpreted or applied the law;

(e) The order is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(f) The agency has not decided all issues requiring resolution by the agency;

(g) A motion for disqualification under RCW 34.05.425 or 34.12.050 was made and was improperly denied or, if no motion was made, facts are shown to support the grant of such a motion that were not known and were not reasonably discoverable by the challenging party at the appropriate time for making such a motion;

(h) The order is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency; ((~~or~~))

(i) The order is arbitrary or capricious; or

(j) The order is based on a de facto rule.

(4) Review of other agency action.

(a) All agency action not reviewable under subsection (2) or (3) of this section shall be reviewed under this subsection.

(b) A person whose rights are violated by an agency's failure to perform a duty that is required by law to be performed may file a petition for review pursuant to RCW 34.05.514, seeking an order pursuant to this subsection requiring performance. Within twenty days after service of the petition for review, the agency shall file and serve an answer to the petition, made in the same manner as an answer to a complaint in a civil action. The court may hear evidence, pursuant to RCW 34.05.562, on material issues of fact raised by the petition and answer.

(c) Relief for persons aggrieved by the performance of an agency action, including the exercise of discretion, or an action under (b) of this subsection can be granted only if the court determines that the action is:

(i) Unconstitutional;

(ii) Outside the statutory authority of the agency or the authority conferred by a provision of law;

(iii) Arbitrary or capricious; ((~~or~~))

(iv) Taken by persons who were not properly constituted as agency officials lawfully entitled to take such action; or

(v) Based on a de facto rule.

Sec. 10. RCW 28A.300.040 and 1999 c 348 s 6 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system and which shall be sold at approximate actual cost of publication and distribution per volume to all other public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To act as ex officio member and the chief executive officer of the state board of education;

(7) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(8) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(9) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(10) To issue certificates as provided by law;

(11) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(12) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(13) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(14) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(15) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(16) To perform such other duties as may be required by law.

For rules adopted under the provisions of this chapter after July 1, 2002, the superintendent of public instruction may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the superintendent of public instruction.

Sec. 11. RCW 41.50.050 and 1995 c 239 s 317 are each amended to read as follows:

The director shall:

(1) Have the authority to organize the department into not more than four divisions, each headed by an assistant director;

(2) Have free access to all files and records of various funds assigned to the department and inspect and audit the files and records as deemed necessary;

(3) Employ personnel to carry out the general administration of the department;

(4) Submit an annual written report of the activities of the department to the governor and the chairs of the appropriate legislative committees with one copy to the staff of each of the committees, including recommendations for statutory changes the director believes to be desirable;

(5) Adopt ~~((such))~~ rules ~~((and regulations))~~ as are necessary to carry out the powers, duties, and functions of the department pursuant to the provisions of chapter 34.05 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the director may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

Sec. 12. RCW 43.06A.030 and 1996 c 131 s 4 are each amended to read as follows:

The ombudsman shall perform the following duties:

(1) Provide information as appropriate on the rights and responsibilities of individuals receiving family and children's services, and on the procedures for providing these services;

(2) Investigate, upon his or her own initiative or upon receipt of a complaint, an administrative act alleged to be contrary to law, rule, or policy, imposed without an adequate statement of reason, or based on irrelevant, immaterial, or erroneous grounds; however, the ombudsman may decline to investigate any complaint as provided by rules adopted under this chapter;

(3) Monitor the procedures as established, implemented, and practiced by the department to carry out its responsibilities in delivering family and children's services with a view toward appropriate preservation of families and ensuring children's health and safety;

(4) Review periodically the facilities and procedures of state institutions serving children, and state-licensed facilities or residences;

(5) Recommend changes in the procedures for addressing the needs of families and children;

(6) Submit annually to the committee and to the governor by November 1st a report analyzing the work of the office including recommendations;

(7) Grant the committee access to all relevant records in the possession of the ombudsman unless prohibited by law; and

(8) Adopt rules necessary to implement this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the ombudsman may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department or the ombudsman's office.

NEW SECTION. Sec. 13. A new section is added to chapter 43.17 RCW to read as follows:

For rules adopted under the provisions of this chapter after July 1, 2002, the director of each department may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing each department.

Sec. 14. RCW 43.19.011 and 1999 c 229 s 2 are each amended to read as follows:

(1) The director of general administration shall supervise and administer the activities of the department of general administration and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Accept and expend gifts and grants that are related to the purposes of this chapter, whether such grants be of federal or other funds;

(c) Appoint a deputy director and such assistant directors and special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the director may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the

grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of general administration;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(f) Perform other duties as are necessary and consistent with law.

(3) The director may establish additional advisory groups as may be necessary to carry out the purposes of this chapter.

(4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

Sec. 15. RCW 43.21A.064 and 1997 c 443 s 2 are each amended to read as follows:

Subject to RCW 43.21A.068, the director of the department of ecology shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

(2) Insofar as may be necessary to ~~((assure))~~ ensure safety to life or property, the director shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) The director shall regulate and control the diversion of water in accordance with the rights thereto;

(4) The director shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) The director shall, if requested, provide assistance to an applicant for a water right in obtaining or developing an adequate and appropriate supply of water consistent with the land use permitted for the area in which the water is to be used and the population forecast for the area under RCW 43.62.035. If the applicant is a public water supply system, the supply being sought must be used in a manner consistent with applicable land use, watershed and water system plans, and the population forecast for that area provided under RCW 43.62.035;

(6) The director shall keep such records as may be necessary for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. The director shall keep a seal of the office, and all certificates covering any of the director's acts or the acts of the director's office, or the records and files of that office, under such seal, shall be taken as evidence thereof in all courts;

(7) The director shall render when required by the governor, a full written report of the office's work with such recommendations for legislation as the director deems advisable for the better control and development of the water resources of the state;

(8) The director and duly authorized deputies may administer oaths;

(9) The director shall establish and ~~((promulgate))~~ adopt rules governing the administration of chapter 90.03 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the director may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(10) The director shall perform such other duties as may be prescribed by law.

Sec. 16. RCW 43.24.016 and 1999 c 240 s 4 are each amended to read as follows:

(1) The director of licensing shall supervise and administer the activities of the department of licensing and shall advise the governor and the legislature with respect to matters under the jurisdiction of the department.

(2) In addition to other powers and duties granted to the director, the director has the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the responsibilities of the department;

(b) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(c) Appoint a deputy director and such assistant directors, special assistants, and administrators as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(d) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary to carry out the responsibilities of the department. For rules adopted under the provisions of this chapter after July 1, 2002, the director may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(e) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director is responsible for the official acts of the officers and employees of the department; and

(f) Perform other duties as are necessary and consistent with law.

(3) The director may establish advisory groups as may be necessary to carry out the responsibilities of the department.

(4) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

Sec. 17. RCW 43.27A.090 and 1988 c 127 s 25 are each amended to read as follows:

The department shall be empowered as follows:

(1) To represent the state at, and fully participate in, the activities of any basin or regional commission, interagency committee, or any other joint interstate or federal-state agency, committee or commission, or publicly financed entity engaged in the planning, development, administration, management, conservation or preservation of the water resources of the state.

(2) To prepare the views and recommendations of the state of Washington on any project, plan or program relating to the planning, development, administration, management, conservation and preservation of any waters located in or affecting the state of Washington, including any federal permit or license proposal, and appear on behalf of, and present views and recommendations of the state at any proceeding, negotiation or hearing conducted by the federal government, interstate agency, state or other agency.

(3) To cooperate with, assist, advise and coordinate plans with the federal government and its officers and agencies, and serve as a state liaison agency with the federal government in matters relating to the use, conservation, preservation, quality, disposal or control of water and activities related thereto.

(4) To cooperate with appropriate agencies of the federal government and/or agencies of other states, to enter into contracts, and to make appropriate contributions to federal or interstate projects and programs and governmental bodies to carry out the provisions of this chapter.

(5) To apply for, accept, administer and expend grants, gifts and loans from the federal government or any other entity to carry out the purposes of this chapter and make contracts and do such other acts as are necessary insofar as they are not inconsistent with other provisions hereof.

(6) To develop and maintain a coordinated and comprehensive state water and water resources related development plan, and adopt, with regard to such plan, such policies as are necessary to ~~((insure))~~ ensure that the waters of the state are used, conserved and preserved for the best interest of the state. There shall be included in the state plan a description of developmental objectives and a statement of the recommended means of accomplishing these objectives. To the extent the director

deems desirable, the plan shall integrate into the state plan, the plans, programs, reports, research and studies of other state agencies.

(7) To assemble and correlate information relating to water supply, power development, irrigation, watersheds, water use, future possibilities of water use and prospective demands for all purposes served through or affected by water resources development.

(8) To assemble and correlate state, local and federal laws, regulations, plans, programs and policies affecting the beneficial use, disposal, pollution, control or conservation of water, river basin development, flood prevention, parks, reservations, forests, wildlife refuges, drainage and sanitary systems, waste disposal, water works, watershed protection and development, soil conservation, power facilities and area and municipal water supply needs, and recommend suitable legislation or other action to the legislature, the congress of the United States, or any city, municipality, or to responsible state, local or federal executive departments or agencies.

(9) To cooperate with federal, state, regional, interstate and local public and private agencies in the making of plans for drainage, flood control, use, conservation, allocation and distribution of existing water supplies and the development of new water resource projects.

(10) To encourage, assist and advise regional, and city and municipal agencies, officials or bodies responsible for planning in relation to water aspects of their programs, and coordinate local water resources activities, programs, and plans.

(11) To ~~((promulgate such))~~ adopt rules ~~((and regulations))~~ as are necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the department may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

(12) To hold public hearings, and make such investigations, studies and surveys as are necessary to carry out the purposes of the chapter.

(13) To subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production of any books or papers when the department deems such measures necessary in the exercise of its rule-making power or in determining whether or not any license, certificate, or permit shall be granted or extended.

Sec. 18. RCW 43.30.150 and 1988 c 128 s 10 are each amended to read as follows:

The board shall:

(1) Perform duties relating to appraisal, appeal, approval and hearing functions as provided by law;

(2) Establish policies to ~~((insure))~~ ensure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in Article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in Article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the ~~((chairman))~~ chair or majority of the board membership upon written notice to all members thereof: PROVIDED, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce ~~((such))~~ rules ~~((and regulations))~~ as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the board may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board or the department;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be entitled to reimbursement for travel expenses in attending committee meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(9) Meet and organize within thirty days after March 6, 1957, and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own ~~((chairman))~~ chair. The commissioner of public lands shall be the secretary of the board. The board may select a ~~((vice-chairman))~~ vice-chair from among its members. In the absence of the ~~((chairman))~~ chair and ~~((vice-chairman))~~ vice-chair at a meeting of the board, the members shall elect a ~~((chairman))~~ chair pro tem. No action shall be taken by the board except by the agreement of at least four members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 19. RCW 43.31C.060 and 2000 c 212 s 7 are each amended to read as follows:

The department must administer this chapter and has the following powers and duties:

(1) To monitor the implementation of chapter 212, Laws of 2000 and submit reports evaluating the effectiveness of the program and any suggestions for legislative changes to the governor and legislature by December 1, 2000;

(2) To develop evaluation and performance measures for local governments to measure the effectiveness of the program at the local level on meeting the objectives of this chapter;

(3) To provide information and appropriate assistance to persons desiring to locate and operate a business in a community empowerment zone;

(4) To work with appropriate state agencies to coordinate the delivery of programs, including but not limited to housing, community and economic development, small business assistance, social service, and employment and training programs which are carried on in a community empowerment zone; and

(5) To develop rules necessary for the administration of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the department may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

Sec. 20. RCW 43.33.040 and 1965 c 8 s 43.33.040 are each amended to read as follows:

The state finance committee may ~~((make))~~ adopt appropriate rules ~~((and regulations))~~ for the performance of its duties. The state treasurer shall act as ~~((chairman))~~ chair of the committee. For rules adopted under the provisions of this chapter after July 1, 2002, the state finance committee may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state finance committee.

Sec. 21. RCW 43.33A.110 and 1994 c 154 s 310 are each amended to read as follows:

The state investment board may ~~((make))~~ adopt appropriate rules ~~((and regulations))~~ for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk. However, in the case of the department of labor and industries' accident, medical aid, and reserve funds, the board shall establish investment policies and procedures designed to attempt to limit fluctuations in industrial insurance premiums and, subject to this purpose, to maximize return at a prudent level of risk. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.52 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.05 RCW.

For rules adopted under the provisions of this chapter after July 1, 2002, the state investment board may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may

not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state investment board.

Sec. 22. RCW 43.59.070 and 1967 ex.s. c 147 s 8 are each amended to read as follows:

The director shall be secretary of the commission and shall be responsible for carrying into effect the commission's orders and rules (~~((and regulations promulgated))~~) adopted by the commission. The director shall also be authorized to employ such staff as is necessary pursuant to the provisions of chapter 41.06 RCW. The commission shall adopt (~~((such))~~) rules (~~((and regulations))~~) as shall be necessary to carry into effect the purposes of this chapter.

For rules adopted under the provisions of this chapter after July 1, 2002, the Washington state traffic safety commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

Sec. 23. RCW 43.61.040 and 1977 c 75 s 60 are each amended to read as follows:

The director of veterans affairs shall (~~((make such))~~) adopt rules (~~((and regulations))~~) as may be necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the director of veterans affairs may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of veterans affairs. The department shall furnish information, advice, and assistance to veterans and coordinate all programs and services in the field of veterans' claims service, education, health, vocational guidance and placement, and services not provided by some other agency of the state or by the federal government. The director shall submit a report of the departments' activities hereunder each year to the governor.

Sec. 24. RCW 43.63A.475 and 1993 c 124 s 2 are each amended to read as follows:

The department shall adopt all rules under chapter 34.05 RCW necessary to implement chapter 124, Laws of 1993, giving due consideration to standards and regulations adopted by the secretary of housing and urban development under the National Manufactured Housing Construction and Safety Standards Act of 1974 (800 Stat. 700; 42 U.S.C. Secs. 5401-5426) for manufactured housing construction and safety standards. For rules adopted under the provisions of this chapter after July 1, 2002, the department of community, trade, and economic development may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of community, trade, and economic development.

Sec. 25. RCW 43.70.580 and 1995 c 43 s 3 are each amended to read as follows:

The primary responsibility of the public health system, is to take those actions necessary to protect, promote, and improve the health of the population. In order to accomplish this, the department shall:

(1) Identify, as part of the public health improvement plan, the key health outcomes sought for the population and the capacity needed by the public health system to fulfill its responsibilities in improving health outcomes.

(2)(a) Distribute state funds that, in conjunction with local revenues, are intended to improve the capacity of the public health system. The distribution methodology shall encourage system-wide effectiveness and efficiency and provide local health jurisdictions with the flexibility both to determine governance structures and address their unique needs.

(b) Enter into with each local health jurisdiction performance-based contracts that establish clear measures of the degree to which the local health jurisdiction is attaining the capacity necessary to improve health outcomes. The contracts negotiated between the local health jurisdictions and the department of health must identify the specific measurable progress that local health jurisdictions will make toward achieving health outcomes. A community assessment conducted by the local health jurisdiction according to the public health improvement plan, which shall include the results of the

comprehensive plan prepared according to RCW 70.190.130, will be used as the basis for identifying the health outcomes. The contracts shall include provisions to encourage collaboration among local health jurisdictions. State funds shall be used solely to expand and complement, but not to supplant city and county government support for public health programs.

(3) Develop criteria to assess the degree to which capacity is being achieved and ensure compliance by public health jurisdictions.

(4) Adopt rules necessary to carry out the purposes of chapter 43, Laws of 1995. For rules adopted under the provisions of this chapter after July 1, 2002, the department may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department.

(5) Biennially, within the public health improvement plan, evaluate the effectiveness of the public health system, assess the degree to which the public health system is attaining the capacity to improve the status of the public's health, and report progress made by each local health jurisdiction toward improving health outcomes.

Sec. 26. RCW 43.101.085 and 2001 c 167 s 7 are each amended to read as follows:

In addition to its other powers granted under this chapter, the commission has authority and power to:

(1) Adopt, amend, or repeal rules as necessary to carry out this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(2) Issue subpoenas and administer oaths in connection with investigations, hearings, or other proceedings held under this chapter;

(3) Take or cause to be taken depositions and other discovery procedures as needed in investigations, hearings, and other proceedings held under this chapter;

(4) Appoint members of a hearings board as provided under RCW 43.101.380;

(5) Enter into contracts for professional services determined by the commission to be necessary for adequate enforcement of this chapter;

(6) Grant, deny, or revoke certification of peace officers under the provisions of this chapter;

(7) Designate individuals authorized to sign subpoenas and statements of charges under the provisions of this chapter; and

(8) Employ such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter.

Sec. 27. RCW 43.115.040 and 1993 c 261 s 3 are each amended to read as follows:

The commission shall have the following powers and duties:

(1) Elect one of its members to serve as (~~(chairman)~~) chair;

(2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(3) Examine and define issues pertaining to the rights and needs of Hispanics, and make recommendations to the governor and state agencies for changes in programs and laws;

(4) Advise the governor and state agencies on the development and implementation of policies, plans, and programs that relate to the special needs of Hispanics;

(5) Advise the legislature on issues of concern to the Hispanic community;

(6) Establish relationships with state agencies, local governments, and private sector organizations that promote equal opportunity and benefits for Hispanics; and

(7) Receive gifts, grants, and endowments from public or private sources that are made for the use or benefit of the commission and expend, without appropriation, the same or any income from the gifts, grants, or endowments according to their terms.

Sec. 28. RCW 43.117.050 and 1974 ex.s. c 140 s 5 are each amended to read as follows:

The commission shall:

(1) Elect one of its members to serve as (~~(chairman)~~) chair; and also such other officers as necessary to form an executive committee;

(2) Adopt rules (~~(and regulations)~~) pursuant to chapter 34.05 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission;

(3) Meet at the call of the (~~(chairman)~~) chair or the call of a majority of its members, but in no case less often than once during any three month period;

(4) Be authorized to appoint such citizen task force as it deems appropriate.

Sec. 29. RCW 43.121.050 and 1988 c 278 s 5 are each amended to read as follows:

To carry out the purposes of this chapter, the council may:

(1) Contract with public or private nonprofit organizations, agencies, schools, or with qualified individuals for the establishment of community-based educational and service programs designed to:

(a) Reduce the occurrence of child abuse and neglect; and

(b) Provide for parenting skills which include: Consistency in parenting; providing children with positive discipline that provides firm order without hurting children physically or emotionally; and preserving and nurturing the family unit. Programs to provide these parenting skills may include the following:

(i) Programs to teach positive methods of disciplining children;

(ii) Programs to educate parents about the physical, mental, and emotional development of children;

(iii) Programs to enhance the skills of parents in providing for their children's learning and development; and

(iv) Learning experiences for children and parents to help prepare parents and children for the experiences in school. Contracts also may be awarded for research programs related to primary and secondary prevention of child abuse and neglect, and to develop and strengthen community child abuse and neglect prevention networks. Each contract entered into by the council shall contain a provision for the evaluation of services provided under the contract. Contracts for services to prevent child abuse and child neglect shall be awarded as demonstration projects with continuation based upon goal attainment. Contracts for services to prevent child abuse and child neglect shall be awarded on the basis of probability of success based in part upon sound research data.

(2) Facilitate the exchange of information between groups concerned with families and children.

(3) Consult with applicable state agencies, commissions, and boards to help determine the probable effectiveness, fiscal soundness, and need for proposed educational and service programs for the prevention of child abuse and neglect.

(4) Establish fee schedules to provide for the recipients of services to reimburse the state general fund for the cost of services received.

(5) Adopt its own bylaws.

(6) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the council may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the council.

Sec. 30. RCW 43.155.040 and 1985 c 446 s 10 are each amended to read as follows:

The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the board may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

Sec. 31. RCW 43.160.050 and 1996 c 51 s 4 are each amended to read as follows:

The board may:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business.
- (2) Adopt an official seal and alter the seal at its pleasure.
- (3) Utilize the services of other governmental agencies.
- (4) Accept from any federal agency loans or grants for the planning or financing of any project and enter into an agreement with the agency respecting the loans or grants.
- (5) Conduct examinations and investigations and take testimony at public hearings of any matter material for its information that will assist in determinations related to the exercise of the board's lawful powers.
- (6) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter.
- (7) Exercise all the powers of a public corporation under chapter 39.84 RCW.
- (8) Invest any funds received in connection with industrial development revenue bond financing not required for immediate use, as the board considers appropriate, subject to any agreements with owners of bonds.
- (9) Arrange for lines of credit for industrial development revenue bonds from and enter into participation agreements with any financial institution.
- (10) Issue industrial development revenue bonds in one or more series for the purpose of defraying the cost of acquiring or improving any industrial development facility or facilities and securing the payment of the bonds as provided in this chapter.
- (11) Enter into agreements or other transactions with and accept grants and the cooperation of any governmental agency in furtherance of this chapter.
- (12) Sell, purchase, or insure loans to finance the costs of industrial development facilities.
- (13) Service, contract, and pay for the servicing of loans for industrial development facilities.
- (14) Provide financial analysis and technical assistance for industrial development facilities when the board reasonably considers it appropriate.
- (15) Collect, with respect to industrial development revenue bonds, reasonable interest, fees, and charges for making and servicing its lease agreements, loan agreements, mortgage loans, notes, bonds, commitments, and other evidences of indebtedness. Interest, fees, and charges are limited to the amounts required to pay the costs of the board, including operating and administrative expenses and reasonable allowances for losses that may be incurred.
- (16) Procure insurance or guarantees from any party as allowable under law, including a governmental agency, against any loss in connection with its lease agreements, loan agreements, mortgage loans, and other assets or property.
- (17) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the board may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the board.
- (18) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

Sec. 32. RCW 43.163.100 and 1990 c 53 s 6 are each amended to read as follows:

In addition to accomplishing the economic development finance programs specifically authorized in this chapter, the authority may:

- (1) Maintain an office or offices;

- (2) Sue and be sued in its own name, and plead and be impleaded;
- (3) Engage consultants, agents, attorneys, and advisers, contract with federal, state, and local governmental entities for services, and hire such employees, agents and other personnel as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (4) Make and execute all manner of contracts, agreements and instruments and financing documents with public and private parties as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (5) Acquire and hold real or personal property, or any interest therein, in the name of the authority, and to sell, assign, lease, encumber, mortgage, or otherwise dispose of the same in such manner as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (6) Open and maintain accounts in qualified public depositories and otherwise provide for the investment of any funds not required for immediate disbursement, and provide for the selection of investments;
- (7) Appear in its own behalf before boards, commissions, departments, or agencies of federal, state, or local government;
- (8) Procure such insurance in such amounts and from such insurers as the authority deems desirable, including, but not limited to, insurance against any loss or damage to its property or other assets, public liability insurance for injuries to persons or property, and directors and officers liability insurance;
- (9) Apply for and accept subventions, grants, loans, advances, and contributions from any source of money, property, labor, or other things of value, to be held, used and applied as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (10) Establish guidelines for the participation by eligible banking organizations in programs conducted by the authority under this chapter;
- (11) Act as an agent, by agreement, for federal, state, or local governmental entities to carry out the programs authorized in this chapter;
- (12) Establish, revise, and collect such fees and charges as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (13) Make such expenditures as are appropriate for paying the administrative costs and expenses of the authority in carrying out the provisions of this chapter: PROVIDED, That expenditures with respect to the economic development financing programs of the authority shall not be made from funds of the state;
- (14) Establish such reserves and special funds, and controls on deposits to and disbursements from them, as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (15) Give assistance to public bodies by providing information, guidelines, forms, and procedures for implementing their financing programs;
- (16) Prepare, publish and distribute, with or without charge, such studies, reports, bulletins, and other material as the authority deems necessary, useful, or convenient to accomplish its purposes;
- (17) Delegate any of its powers and duties if consistent with the purposes of this chapter;
- (18) Adopt rules concerning its exercise of the powers authorized by this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the authority may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the authority; and
- (19) Exercise any other power the authority deems necessary, useful, or convenient to accomplish its purposes and exercise the powers expressly granted in this chapter.

Sec. 33. RCW 43.180.040 and 1995 c 399 s 98 are each amended to read as follows:

- (1) There is ~~((hereby))~~ established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.
- (2) The commission shall consist of the following voting members:
 - (a) The state treasurer, ex officio;
 - (b) The director of community, trade, and economic development, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the department of community, trade, and economic development is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his or her appointment to the commission shall be subject to the consent of the senate. The members of the commission shall be compensated in accordance with RCW 43.03.240 and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice-chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.05 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

Sec. 34. RCW 43.200.070 and 1989 c 322 s 5 are each amended to read as follows:

The department of ecology shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW. For rules adopted under the provisions of this chapter after July 1, 2002, the department of ecology may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of ecology.

Sec. 35. RCW 43.210.060 and 1995 c 399 s 108 are each amended to read as follows:

The department of community, trade, and economic development or its statutory successor shall adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the department of community, trade, and economic development may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of community, trade, and economic development.

Sec. 36. RCW 43.250.090 and 1986 c 294 s 9 are each amended to read as follows:

The state finance committee shall administer this chapter and adopt appropriate rules. For rules adopted under the provisions of this chapter after July 1, 2002, the state finance committee may

only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the state finance committee.

Sec. 37. RCW 43.320.040 and 1993 c 472 s 5 are each amended to read as follows:

The director of financial institutions may adopt any rules, under chapter 34.05 RCW, necessary to implement the powers and duties of the director under this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the director of financial institutions may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department of financial institutions.

Sec. 38. RCW 43.330.040 and 1993 c 280 s 6 are each amended to read as follows:

(1) The director shall supervise and administer the activities of the department and shall advise the governor and the legislature with respect to community and economic development matters affecting the state.

(2) In addition to other powers and duties granted to the director, the director shall have the following powers and duties:

(a) Enter into contracts on behalf of the state to carry out the purposes of this chapter;

(b) Act for the state in the initiation of or participation in any multigovernmental program relative to the purpose of this chapter;

(c) Accept and expend gifts and grants, whether such grants be of federal or other funds;

(d) Appoint such deputy directors, assistant directors, and up to seven special assistants as may be needed to administer the department. These employees are exempt from the provisions of chapter 41.06 RCW;

(e) Prepare and submit budgets for the department for executive and legislative action;

(f) Submit recommendations for legislative actions as are deemed necessary to further the purposes of this chapter;

(g) Adopt rules in accordance with chapter 34.05 RCW and perform all other functions necessary and proper to carry out the purposes of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the director may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(h) Delegate powers, duties, and functions as the director deems necessary for efficient administration, but the director shall be responsible for the official acts of the officers and employees of the department; and

(i) Perform other duties as are necessary and consistent with law.

(3) When federal or other funds are received by the department, they shall be promptly transferred to the state treasurer and thereafter expended only upon the approval of the director.

(4) The director may request information and assistance from all other agencies, departments, and officials of the state, and may reimburse such agencies, departments, or officials if such a request imposes any additional expenses upon any such agency, department, or official.

(5) The director shall, in carrying out the responsibilities of office, consult with governmental officials, private groups, and individuals and with officials of other states. All state agencies and their officials and the officials of any political subdivision of the state shall cooperate with and give such assistance to the department, including the submission of requested information, to allow the department to carry out its purposes under this chapter.

(6) The director may establish additional advisory or coordinating groups with the legislature, within state government, with state and other governmental units, with the private sector and nonprofit entities or in specialized subject areas as may be necessary to carry out the purposes of this chapter.

(7) The internal affairs of the department shall be under the control of the director in order that the director may manage the department in a flexible and intelligent manner as dictated by changing contemporary circumstances. Unless specifically limited by law, the director shall have complete charge and supervisory powers over the department. The director may create such administrative

structures as the director deems appropriate, except as otherwise specified by law, and the director may employ such personnel as may be necessary in accordance with chapter 41.06 RCW, except as otherwise provided by law.

Sec. 39. RCW 47.01.071 and 1981 c 59 s 2 are each amended to read as follows:

The transportation commission shall have the following functions, powers, and duties:

(1) To propose policies to be adopted by the legislature designed to ~~((assure))~~ ensure the development and maintenance of a comprehensive and balanced statewide transportation system which will meet the needs of the people of this state for safe and efficient transportation services. Wherever appropriate the policies shall provide for the use of integrated, intermodal transportation systems to implement the social, economic, and environmental policies, goals, and objectives of the people of the state, and especially to conserve nonrenewable natural resources including land and energy. To this end the commission shall:

(a) Develop transportation policies which are based on the policies, goals, and objectives expressed and inherent in existing state laws;

(b) Inventory the adopted policies, goals, and objectives of the local and area-wide governmental bodies of the state and define the role of the state, regional, and local governments in determining transportation policies, in transportation planning, and in implementing the state transportation plan;

(c) Propose a transportation policy for the state, and after notice and public hearings, submit the proposal to the legislative transportation committee and the senate and house transportation committees by January 1, 1978, for consideration in the next legislative session;

(d) Establish a procedure for review and revision of the state transportation policy and for submission of proposed changes to the legislature;

(e) To integrate the statewide transportation plan with the needs of the elderly and handicapped, and to coordinate federal and state programs directed at assisting local governments to answer such needs;

(2) To establish the policy of the department to be followed by the secretary on each of the following items:

(a) To provide for the effective coordination of state transportation planning with national transportation policy, state and local land use policies, and local and regional transportation plans and programs;

(b) To provide for public involvement in transportation designed to elicit the public's views both with respect to adequate transportation services and appropriate means of minimizing adverse social, economic, environmental, and energy impact of transportation programs;

(c) To provide for the administration of grants in aid and other financial assistance to counties and municipal corporations for transportation purposes;

(d) To provide for the management, sale, and lease of property or property rights owned by the department which are not required for transportation purposes;

(3) To direct the secretary to prepare and submit to the commission a comprehensive and balanced statewide transportation plan which shall be based on the transportation policy adopted by the legislature and applicable state and federal laws. After public notice and hearings, the commission shall adopt the plan and submit it to the legislative transportation committee and to the house and senate standing committees on transportation before January 1, 1980, for consideration in the 1980 regular legislative session. The plan shall be reviewed and revised prior to each regular session of the legislature during an even-numbered year thereafter. A preliminary plan shall be submitted to such committees by January 1, 1979.

The plan shall take into account federal law and regulations relating to the planning, construction, and operation of transportation facilities;

(4) To propose to the governor and the legislature prior to the convening of each regular session held in an odd-numbered year a recommended budget for the operations of the commission as required by RCW 47.01.061;

(5) To approve and propose to the governor and to the legislature prior to the convening of each regular session during an odd-numbered year a recommended budget for the operation of the department and for carrying out the program of the department for the ensuing biennium. The proposed budget shall separately state the appropriations to be made from the motor vehicle fund for highway purposes in accordance with constitutional limitations and appropriations and expenditures to

be made from the general fund, or accounts thereof, and other available sources for other operations and programs of the department;

(6) To review and authorize all departmental requests for legislation;

(7) To approve the issuance and sale of all bonds authorized by the legislature for capital construction of state highways, toll facilities, Columbia Basin county roads (for which reimbursement to the motor vehicle fund has been provided), urban arterial projects, and aviation facilities;

(8) To adopt ~~((such)) rules((, regulations,))~~ and policy directives as may be necessary to carry out reasonably and properly those functions expressly vested in the commission by statute. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the department;

(9) To delegate any of its powers to the secretary of transportation whenever it deems it desirable for the efficient administration of the department and consistent with the purposes of this title;

(10) To exercise such other specific powers and duties as may be vested in the transportation commission by this or any other provision of law.

Sec. 40. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner shall have the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) ~~((Make))~~ Adopt reasonable rules ~~((and regulations))~~ for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. No ~~((such))~~ rules ~~((and regulations shall be))~~ are effective prior to their being filed for public inspection in the commissioner's office. For rules adopted under the provisions of this chapter after July 1, 2002, the commissioner may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

Sec. 41. RCW 48.44.050 and 1947 c 268 s 5 are each amended to read as follows:

The insurance commissioner shall ~~((make))~~ adopt reasonable ~~((regulations))~~ rules in aid of the administration of this chapter which may include, but shall not be limited to ~~((regulations))~~ rules concerning the maintenance of adequate insurance, bonds, or cash deposits, information required of registrants, and methods of expediting speedy and fair payments to claimants. For rules adopted under the provisions of this chapter after July 1, 2002, the insurance commissioner may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner.

Sec. 42. RCW 48.46.200 and 1975 1st ex.s. c 290 s 21 are each amended to read as follows:

The commissioner may, in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW, ~~((promulgate))~~ adopt rules ~~((and regulations))~~ as necessary or proper to carry out the provisions of this chapter. For rules adopted under the provisions of this chapter after July 1, 2002, the commissioner may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the office of the insurance commissioner. Nothing in this chapter shall be construed to prohibit the commissioner from requiring changes in procedures previously approved by him.

Sec. 43. RCW 66.08.0501 and 1997 c 321 s 56 are each amended to read as follows:

The liquor control board may adopt appropriate rules pursuant to chapter 34.05 RCW for the purpose of carrying out the provisions of chapter 321, Laws of 1997. For rules adopted under the provisions of this chapter after July 1, 2002, the liquor control board may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the liquor control board.

Sec. 44. RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

- (a) Review and prescribe basic goals and objectives related to those policies; and
- (b) Review the performance of the department in implementing fish and wildlife policies.

The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission or the department.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

Sec. 45. RCW 80.01.040 and 1985 c 450 s 10 are each amended to read as follows:

The utilities and transportation commission shall:

(1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81 RCW, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telecommunications companies, and water companies.

(4) ~~((Make such))~~ Adopt rules ((and regulations)) as may be necessary to carry out its other powers and duties. For rules adopted under the provisions of this chapter after July 1, 2002, the commission may only adopt rules derived from a specific grant of legislative authority. The rules must include the specific statutory section or sections from which the grant of authority is derived, and may not rely solely on a section of law stating a statute's intent or purpose or the general enabling provisions establishing the commission.

NEW SECTION. Sec. 46. The secretary of state shall submit sections 6 through 40 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in

this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (050) to Substitute House Bill No. 2735.

SPEAKER'S RULING

Mr. Speaker: "Representative Hatfield, your point is well taken."

Representative Mulliken moved the adoption of amendment (046):

On page 3, line 8, after "**Sec. 5.**" strike "This" and insert "Sections 1 through 4 of this"

On page 3, after line 8, insert the following:

"NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C RCW to read as follows:

(1) Within urban growth areas designated under RCW 36.70A.110, decisions pertaining to the following activities are exempt from this chapter: (a) Construction of or location of any residential structures of ten or fewer dwelling units; (b) construction of an office, school, commercial, recreational, service, or storage building with eight thousand or fewer square feet of gross floor area, and with associated parking for forty or fewer automobiles; (c) construction of a parking lot designed for forty or fewer automobiles; (d) division of land into nine or fewer lots or parcels; and (e) any landfill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation.

(2) The legislative authority of a county or city that is planning under RCW 36.70A.040 may raise the exemption levels specified in subsection (1)(a) or (b) of this section by ordinance or resolution to the following maximum levels within urban growth areas: (a) Construction of or location of any residential structures of a maximum of twenty or fewer dwelling units; and (b) construction of an office, school, commercial, recreational, service, or storage building with a maximum of twelve thousand or fewer square feet of gross floor area, and with associated parking for forty or fewer automobiles."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (046) to Substitute House Bill No. 2735.

SPEAKER'S RULING

Mr. Speaker: "Representative Hatfield, your point is well taken."

Representative Jarrett moved the adoption of amendment (056):

On page 3, line 8, strike all of section 5 and insert the following:

"NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act expire June 1, 2003.

Sec. 6. RCW 44.28.091 and 1996 c 288 s 14 are each amended to read as follows:

(1) No later than nine months after the final performance audit has been transmitted by the joint committee to the appropriate standing committees of the house of representatives and the senate, the ~~((joint committee in consultation with the standing committees may))~~ agency or local government shall produce a preliminary compliance report on ((the agency's or local government's)) its compliance with the final performance audit recommendations and submit it to the joint committee. ((The agency or local government may attach its comments to the joint committee's preliminary compliance report as a separate addendum.)) At the request of the joint committee, the agency or local government shall periodically provide updates to the preliminary compliance report until the joint committee determines that the agency or local government has complied with the final performance audit recommendations to the joint committee's satisfaction.

(2) ~~((Within three months after the issuance of the preliminary compliance report.))~~ The joint committee may hold ((at least one)) public hearings and receive public testimony ((regarding the findings and recommendations contained in the preliminary compliance report. The joint committee may waive the public hearing requirement if the preliminary compliance report demonstrates that the agency or local government is in compliance with the audit recommendations)) if the agency or local government is not making satisfactory progress in achieving compliance. The joint committee shall issue any final compliance report ((within four weeks after the public hearing or hearings)) after an agency or local government has satisfactorily complied with the final audit recommendations. The legislative auditor shall transmit the final compliance report in the same manner as a final performance audit is transmitted under RCW 44.28.088."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (056) to Substitute House Bill No. 2735.

SPEAKER'S RULING

Mr. Speaker: "Representative Hatfield, your point is well taken."

The bill was ordered engrossed.

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

Representatives Romero, Doumit, Reardon, Dunshee and Ruderman spoke in favor of passage of the bill.

Representatives Schoesler, Sehlin, Matson, DeBolt, Alexander, Benson, Ericksen and Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2735.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2735 and the bill passed the House by the following vote: Yeas - 70, Nays - 27, Absent - 0, Excused - 1.

Voting yea: Representatives Armstrong, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Carrell, Chase, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Mr. Speaker - 70.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Benson, Boldt, Bush, Campbell, Casada, Chandler, Clements, Crouse, DeBolt, Delvin, Dunn, Holmquist, Lisk, Mastin, Mielke, Morell, Mulliken, Pflug, Roach, Schoesler, Sehlin, Sump, and Woods - 27.

Excused: Representative Schindler - 1.

Engrossed Substitute House Bill No. 2735, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2844, by Representatives Linville, Schoesler, Romero, Chandler, Jarrett, Reardon, Gombosky, Morris, Sehlin, Lantz, Conway, Kenney, Santos, Ogden, Bush, Schual-Berke, Kessler, Chase, Rockefeller, Simpson, McDermott and Kagi

Concerning environmental excellence program agreements.

The bill was read the second time. There being no objection, Substitute House Bill No. 2844 was substituted for House Bill No. 2844 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2844 was read the second time.

Representative Erickson moved the adoption of amendment (051):

On page 2, after line 24, insert the following:

"Sec. 4. RCW 90.48.465 and 1998 c 262 s 16 are each amended to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule within one year of March 1, 1989, and thereafter the fee schedule shall be adjusted no more often than once every two years. Except as specified under subsection (6) of this section, this fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. Except as specified under subsection (6) of this section, all fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Except as specified under subsection (6) of this section, fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system. The department shall adopt by rule a schedule of credits for any municipality engaging in a comprehensive monitoring program beyond the requirements imposed by the department, with the credits available for five years from March 1, 1989, and with the total amount of all credits not to exceed fifty thousand dollars in the five-year period.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand one hundred sixty-seven dollars for fiscal year 1998 and one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit

up to eight hundred seventeen dollars for fiscal year 1998 and eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) If a commercial or industrial permittee, operating under a permit issued under either RCW 90.48.160 or 90.48.260, operates for one year without violating the conditions of the permit, that permittee qualifies for a three percent reduction in the fees charged by the department under this chapter for each consecutive year in which the permittee has not violated the permit conditions. The baseline for calculating the reductions is the permit fee charged by the department in 2000, or the latest year in which the permittee was found to have violated the conditions of the permit. For purposes of calculating fees for 2003, the department shall make the reductions retroactive to year 2000 for all permittees that have not violated the conditions of their permits since 2000. If, during the preceding year, a permittee is found to have violated the conditions of the permit, the department shall recalculate the permit fees for the next calendar year based on its current schedule of fees developed under this section.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

~~((7))~~ (8) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (051) to Substitute House Bill No. 2844.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

Representative Schoesler moved the adoption of amendment (052):

On page 2, after line 24, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 43.21K RCW to read as follows:

A decision to approve an environmental excellence program agreement is not subject to the requirements of the state environmental policy act, chapter 43.21C RCW, including the requirement to prepare an environmental impact statement under RCW 43.21C.031. However, the consideration of a proposed environmental excellence program agreement will integrate an assessment of environmental impacts."

Correct the title.

Representative Schoesler spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Holmquist moved the adoption of amendment (053):

On page 2, after line 24, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 43.21K RCW to read as follows:

(1) In addition to any termination provisions contained in an environmental excellence program agreement, a director of an agency may terminate an environmental excellence program agreement in whole or in part with respect to a legal requirement administered by that agency, if the director finds: (a) That after notice and a reasonable opportunity to cure, the covered facility is in violation of a material requirement of the agreement; (b) that the facility has repeatedly violated any requirements of the agreement; (c) that the operation of the facility under the agreement has caused endangerment to public health or the environment that cannot be remedied by modification of the agreement; or (d) that the facility has failed to make substantial progress in achieving the voluntary goals identified under RCW 43.21K.050(4), and these goals are material to the overall objectives of the agreement.

(2) A director of an agency terminating an environmental excellence program agreement in any respect must provide each of the parties to the agreement with a written notice of that action specifying the extent to which the environmental excellence program agreement is to be terminated, the factual and legal basis for termination, and a description of the opportunity for judicial review of the decision to terminate the environmental excellence program agreement.

(3) If a director terminates less than the entire environmental excellence program agreement, the owner or operator of the covered facility may elect to terminate the entire agreement as it applies to the facility.

(4) If a director decides to terminate an environmental excellence program agreement because the facility has not been able to meet the legal requirements established under the agreement, or because operation of the facility under the agreement has caused endangerment to public health or the environment, as provided in subsection (1)(c) of this section, the director may establish in the notice of termination: (a) Practical interim requirements for the facility that are no less stringent than the legal requirements that would apply to the facility in the absence of the agreement; and (b) a practical schedule of compliance for meeting the interim requirements. The interim requirements and schedule of compliance shall be subject to judicial review under the provisions of RCW 43.21K.090(4). The facility must comply with the interim requirements established under this subsection after they are final and no longer subject to judicial review until applicable permits or permit modifications have been issued under RCW 43.21K.100."

Correct the title.

Representative Holmquist and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Delvin moved adoption of amendment (054):

On page 2, after line 24, insert the following:

"Sec. 4. RCW 90.54.020 and 1997 c 442 s 201 are each amended to read as follows:

Utilization and management of the waters of the state shall be guided by the following general declaration of fundamentals:

(1) Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial.

(2) Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the people of the state. Maximum net benefits shall constitute total benefits less costs including opportunities lost.

(3) The quality of the natural environment shall be protected and, where possible, enhanced as follows:

(a) Perennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. Lakes and ponds shall be retained substantially in their natural condition. Withdrawals of water which would conflict therewith shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served.

(b) Waters of the state shall be of high quality. Regardless of the quality of the waters of the state, all wastes and other materials and substances proposed for entry into said waters shall be provided with all known, available, and reasonable methods of treatment prior to entry. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials and substances shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of the public interest will be served. Technology-based effluent limitations or standards for discharges for municipal water treatment plants located on the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river shall be adjusted to reflect credit for substances removed from the plant intake water if:

(i) The municipality demonstrates that the intake water is drawn from the same body of water into which the discharge is made; and

(ii) The municipality demonstrates that no violation of receiving water quality standards or appreciable environmental degradation will result.

(4) The development of multipurpose water storage facilities shall be a high priority for programs of water allocation, planning, management, and efficiency. The department, other state agencies, local governments, and planning units formed under section 107 or 108 of this act shall evaluate the potential for the development of new storage projects and the benefits and effects of storage in reducing damage to stream banks and property, increasing the use of land, providing water for municipal, industrial, agricultural, power generation, and other beneficial uses, and improving stream flow regimes for fisheries and other instream uses.

(5) Adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs.

(6) Multiple-purpose impoundment structures are to be preferred over single-purpose structures. Due regard shall be given to means and methods for protection of fishery resources in the planning for and construction of water impoundment structures and other artificial obstructions.

(7) Federal, state, and local governments, individuals, corporations, groups, and other entities shall be encouraged to carry out practices of conservation as they relate to the use of the waters of the state. In addition to traditional development approaches, improved water use efficiency and conservation shall be emphasized in the management of the state's water resources and in some cases will be a potential new source of water with which to meet future needs throughout the state.

(8) Development of water supply systems, whether publicly or privately owned, which provide water to the public generally in regional areas within the state shall be encouraged. Development of water supply systems for multiple domestic use which will not serve the public generally shall be discouraged where water supplies are available from water systems serving the public.

(9) Full recognition shall be given in the administration of water allocation and use programs to the natural interrelationships of surface and ground waters.

(10) Expressions of the public interest will be sought at all stages of water planning and allocation discussions.

(11) Water management programs, including but not limited to, water quality, flood control, drainage, erosion control and storm runoff are deemed to be in the public interest.

(12) Notwithstanding any other provision of law, any legal requirement under subsection (3)(b) of this section is superseded and replaced in accordance with the terms and provisions of an environmental excellence program agreement, entered into under chapter 43.21K RCW."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (054) to Substitute House Bill No. 2844.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield , your point of order is well taken."

The bill was ordered engrossed.

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

Representatives Linville, Schoesler, Morris, Delvin and Matson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2844.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2844 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Engrossed Substitute House Bill No. 2844, having received the necessary constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2953 by Representatives Morris, Gombosky, Clements, Grant, Cairnes, Boldt, Delvin, Fromhold, Kessler and Eickmeyer

AN ACT Relating to video pull-tabs; amending RCW 9.46.010, 9.46.0273, 9.46.0311, 9.46.0325, 9.46.070, and 9.46.110; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; adding new sections to chapter 9.46 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2954 by Representatives Cairnes, Casada, Roach and Talcott

AN ACT Relating to military leaves of absence for certain public sector military reservists and national guard members; and amending RCW 38.40.060.

Referred to Committee on State Government.

HB 2955 by Representatives Cairnes, Sehlin, Woods, Pflug, Mitchell, Chandler, Mulliken, Buck, Mastin, Kessler and Anderson

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal gross receipts tax uniformity and fairness; amending RCW 82.32.060; adding a new chapter to Title 35 RCW; and providing effective dates.

Referred to Committee on Finance.

SB 5373 by Senators Sheahan, Kline, McCaslin, Thibaudeau, Kastama, Long, Roach, Johnson and Constantine

AN ACT Relating to mandatory arbitration of civil actions; amending RCW 7.06.050 and 7.06.060; and adding a new section to chapter 7.06 RCW.

Referred to Committee on Judiciary.

2SSB 5506 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Jacobsen)

AN ACT Relating to the separate reserve fund maintained by a charitable gift annuity business; amending RCW 48.38.010, 48.38.020, and 48.38.050; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 6266 by Senators Johnson and Kline

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

Referred to Committee on Judiciary.

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

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

Referred to Committee on Judiciary.

SSB 6289 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fairley, Kohl-Welles and Rasmussen)

AN ACT Relating to qualifications for adult family home providers and resident managers; amending RCW 70.128.120; and providing an effective date.

Referred to Committee on Health Care.

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

AN ACT Relating to standardizing references to county clerks; and amending RCW 36.23.030, 6.32.350, and 59.28.040.

Referred to Committee on Judiciary.

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

AN ACT Relating to allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates; and amending RCW 74.38.070.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6432 by Senators Benton and Haugen; by request of Department of Licensing

AN ACT Relating to certificates of ownership for stolen vehicles; and amending RCW 46.12.047.

Referred to Committee on Transportation.

SSB 6463 by Senate Committee on Transportation (originally sponsored by Senators Gardner, Benton, Haugen, Horn, Hochstatter and Winsley)

AN ACT Relating to requirements for a commercial driver's license; and amending RCW 46.25.060.

Referred to Committee on Transportation.

SB 6476 by Senators Costa, Long, Kohl-Welles, Carlson, Eide, Spanel, Snyder, Jacobsen and Gardner

AN ACT Relating to clarifying counseling costs that may be included in restitution ordered in juvenile court; and amending RCW 13.40.020.

Referred to Committee on Juvenile Justice & Family Law.

SB 6482 by Senators Long, Hargrove, Winsley, Haugen, Stevens, Deccio and Rasmussen

AN ACT Relating to removing time limits for treatment under the alcohol and drug addiction treatment and support act; and amending RCW 74.50.050.

Referred to Committee on Children & Family Services.

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

MOTION

Representative Cairnes moved that the rules be suspended and that House Bill No. 2955 be placed on Second Reading.

Representative Cairnes spoke in favor of the motion.

Representative Kessler spoke against the motion.

Representative Woods demanded an electronic roll call and the demanded was sustained.

The Speaker stated the question before the House to be the motion by Representative Cairnes to suspend the rules and place House Bill No. 2955 on Second Reading.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2955 on Second Reading and the motion failed the House by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin,

McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

REPORTS OF STANDING COMMITTEES

February 11, 2002

SHB 1011 Prime Sponsor, Committee on Finance: Providing a property tax exemption to veterans with severe disabilities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Voloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Van Luven and Voloria.

Excused: Representative Santos.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 1144 Prime Sponsor, Representative Kessler: Modifying good cause reasons for failure to participate in the WorkFirst program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson and Pflug.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson and Pflug.

Passed to Committee on Rules for second reading.

February 11, 2002

SHB 1254 Prime Sponsor, Committee on Finance: Exempting certain land exchanges and sales involving the federal government from real estate excise tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Voloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Voloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 1268 Prime Sponsor, Representative Romero: Enacting the civil service reform act of 2001.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Alexander; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Alexander, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

February 7, 2002

HB 1345 Prime Sponsor, Representative Dickerson: Giving the office of financial management oversight over state agency personal service contracting practices. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 1363 Prime Sponsor, Representative Cairnes: Increasing the building code council fee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Clements, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 1474 Prime Sponsor, Representative Van Luven: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Appropriations be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

ESHB 1517 Prime Sponsor, Committee on State Government: Establishing quality management programs. Reported by Committee on Appropriations

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 1531 Prime Sponsor, Representative Morris: Modifying the taxation of lodging. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 1555 Prime Sponsor, Representative Dunshee: Adopting state building codes. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Buck; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Buck, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 1575 Prime Sponsor, Representative Quall: Modifying the taxation of physical fitness services.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

MINORITY recommendation: Without recommendation. Signed by Representatives Conway.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Voting nay: Representative Conway.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 1630 Prime Sponsor, Representative Dunn: Modifying mobile home relocation assistance.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 1741 Prime Sponsor, Representative Hunt: Providing a plan of health insurance for blind vendors.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health care be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit;

Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 7, 2002

SHB 1849 Prime Sponsor, Committee on Natural Resources: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 1972 Prime Sponsor, Representative Quall: Authorizing a local option real estate excise tax for affordable housing purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 1991 Prime Sponsor, Representative Lantz: Changing provisions relating to information sharing between schools and juvenile justice and care agencies. Reported by Committee on Appropriations

MAJORITY Recommendation: Do pass as amended by Committee on Juvenile Justice & Family Law. Signed by: Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2031 Prime Sponsor, Representative Cairnes: Limiting the taxation of pay phone services.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2060 Prime Sponsor, Representative Dunn: Providing funds for housing projects. Reported by
Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2267 Prime Sponsor, Representative Reardon: Providing a tax deduction for certain aircraft component parts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2289 Prime Sponsor, Representative Linville: Regulating planting stock certification and nursery improvement programs. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit;

Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2290 Prime Sponsor, Representative Linville: Creating the fruit and vegetable inspection account.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Ecology be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2294 Prime Sponsor, Representative Hatfield: Allowing the department of natural resources to seek volunteers to maintain recreation sites. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2296 Prime Sponsor, Representative Eickmeyer: Modifying the definition of "eligible area" for distressed area designation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Morris.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Voting nay: Representative Morris.

February 9, 2002

HB 2307 Prime Sponsor, Representative Doumit: Providing flexibility in the operation of the timber substitution rules. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Boldt; Buck; Cody; Cox; Doumit; Fromhold; Kagi; Kenney; Kessler; McIntire; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Clements; Dunshee; Grant; Linville; Mastin and Pearson.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Boldt, Buck, Cody, Cox, Kagi, Kenney, Kessler, McIntire, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Alexander, Clements, Dunshee, Grant, Linville, Lisk, Mastin and Pearson.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2308 Prime Sponsor, Representative Linville: Encouraging recycling and waste reduction. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Ecology be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2311 Prime Sponsor, Representative Doumit: Changing provisions relating to small forest landowners. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2312 Prime Sponsor, Representative Cody: Repealing department of health registration of adult family homes. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2315 Prime Sponsor, Representative Cody: Providing for the registration of recreational therapists. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2323 Prime Sponsor, Representative Hatfield: Creating the direct retail license for commercial fishers. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Natural Resources be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2326 Prime Sponsor, Representative Linville: Establishing the Washington climate and rural energy development center. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture and Ecology be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin and Pearson.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin and Pearson.

Passed to Committee on Rules for second reading.

February 6, 2002

HB 2332 Prime Sponsor, Representative Romero: Directing a statewide voter registration data base. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Boldt.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2338 Prime Sponsor, Representative Kagi: Revising sentences for drug offenses. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pflug; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pflug, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson and Talcott.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2346 Prime Sponsor, Representative Darneille: Updating the uniform parentage act. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Juvenile Justice & Family Law. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2348 Prime Sponsor, Representative Ruderman: Creating a housing allowance program for nonsupervisory educational employees. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Sommers, Chairman; Cody; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Doumit; Lisk; Mastin; Pearson and Talcott.

Voting yea: Representatives Sommers, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Doumit, Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson and Talcott.

Excused: Representative Pflug.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2353 Prime Sponsor, Representative Alexander: Providing for loss prevention review teams. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Judiciary be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2355 Prime Sponsor, Representative Kagi: Modifying unemployment compensation payable to individuals who took family and medical leave. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Commerce and Labor be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative Lisk.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2361 Prime Sponsor, Representative Fisher: Authorizing department of licensing publications to include advertising. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hankins; Hatfield; Jackley; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Holmquist; Jarrett; Mielke; Morell; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Lovick, Edwards, Haigh, Hankins, Hatfield, Jackley, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Holmquist, Jarrett, Mielke, Morell, Skinner and Woods.

Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2366 Prime Sponsor, Representative Ogden: Clarifying acceptance of gifts by the archives and oral history program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.

Excused: Representatives Boldt and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2376 Prime Sponsor, Representative Rockefeller: Concerning abandoned and derelict waterborne vessels. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Natural Resources be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Lisk; Mastin and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Boldt, Lisk, Mastin and Talcott.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2378 Prime Sponsor, Representative Dickerson: Revising the definition of "abuse or neglect."
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by Committee on Children and Family Services be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Lisk and Mastin.

Voting yea: Representatives Sommers, Doumit, Fromhold, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Sehlin, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2387 Prime Sponsor, Representative Doumit: Correcting errors and oversights in certain retirement system statutes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2388 Prime Sponsor, Representative Conway: Conforming the Washington state retirement systems to federal requirements on veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2389 Prime Sponsor, Representative Conway: Allowing the transfer of seasonal and military leave of absence employees to the public employees' retirement system plan 3. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2390 Prime Sponsor, Representative Doumit: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2391 Prime Sponsor, Representative Conway: Authorizing part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2392 Prime Sponsor, Representative Delvin: Transferring service credit and contributions into the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative Boldt.

Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2393 Prime Sponsor, Representative Alexander: Creating new survivor benefit division options for divorced members of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, the public employees' retirement system, and the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Buck and Clements.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Cody, Cox, Dunshee, Grant, Kagi, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Buck and Clements.

Excused: Representative Kenney and Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2394 Prime Sponsor, Representative Alexander: Separating from public employees' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 5, 2002

HB 2395 Prime Sponsor, Representative Doumit: Providing a death benefit for certain state employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representative Mastin.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2398 Prime Sponsor, Representative Buck: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Natural Resources. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Clements; Cody; Cox; Doumit; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.
Excused: Representatives Boldt, Dunshee and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2403 Prime Sponsor, Representative Kenney: Providing for collective bargaining at four-year institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.
Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2408 Prime Sponsor, Representative Romero: Creating the combined fund drive account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit;

Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2424 Prime Sponsor, Representative Schual-Berke: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 4, strike lines 27 through 30 and insert:

"**Sec. 5.** RCW 28A.530.020 and 1996 c 48 § 1 are each amended to read as follows:

~~(((1) The question whether the bonds shall be issued, as provided in RCW 28A.530.010, shall be determined at an election to be held pursuant to RCW 39.36.050. If a majority of the votes cast at such election favor the issuance of such bonds, the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district that only needs a simple majority voter approval, exceeds three eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, then three fifths of the votes cast at such election must be in favor of the issuance of such bonds, before the board of directors is authorized to issue said bonds.~~

~~(2))~~ The resolution adopted by the board of directors calling ~~((the))~~ an election ~~((in subsection (1) of this section))~~ shall specify the purposes of the debt financing measure, including the specific buildings to be constructed or remodeled and any additional specific purposes as authorized by RCW 28A.530.010. If the debt financing measure anticipates the receipt of state financing assistance under chapter 28A.525 RCW, the board resolution also shall describe the specific anticipated purpose of the state assistance. If the school board subsequently determines that state or local circumstances should cause any alteration to the specific expenditures from the debt financing or of the state assistance, the board shall first conduct a public hearing to consider those circumstances and to receive public testimony. If the board then determines that any such alterations are in the best interests of the district, it may adopt a new resolution or amend the original resolution at a public meeting held subsequent to the meeting at which public testimony was received."

Correct the title

Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Armstrong; Bush; Casada; Chase; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Esser and Schoesler.

Voting yea: Representatives Murray, McIntire, Armstrong, Bush, Casada, Chase, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Veloria and Woods.

Voting nay: Representatives Alexander, Esser and Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2427 Prime Sponsor, Representative Conway: Establishing occupational safety and health impact grants. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor.

Signed by Representatives Sommers, Chairman; Clements; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Clements, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2431 Prime Sponsor, Representative Cody: Developing a comprehensive prescription drug education and utilization system. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Health Care. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2456 Prime Sponsor, Representative Kessler: Modifying provisions relating to the linked deposit program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2465 Prime Sponsor, Representative Sehlin: Defining rural counties for purposes of sales and use tax for public facilities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2466 Prime Sponsor, Representative Morell: Revising the multiple-unit dwellings property tax exemption. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2468 Prime Sponsor, Representative Miloscia: Facilitating the convicted offender DNA data base. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Criminal Justice and Corrections be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2486 Prime Sponsor, Representative Jarrett: Revising board of tax appeals provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2492 Prime Sponsor, Representative Kenney: Revising provisions for college payment programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Higher Education be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.
Excused: Representatives Boldt and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2495 Prime Sponsor, Representative Mulliken: Updating outdated fire district statutes to increase efficiency. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2507 Prime Sponsor, Representative Lovick: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2511 Prime Sponsor, Representative O'Brien: Making any robbery within a financial institution a first degree robbery. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2522 Prime Sponsor, Representative Sullivan: Encouraging the purchase of clean technologies.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on State Government be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2528 Prime Sponsor, Representative Sommers: Authorizing the department of health to establish a fee for syphilis laboratory tests. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Do not pass. Signed by Representatives Lisk.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.

Voting nay: Representative Lisk.

Excused: Representatives Boldt, Dunshee and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2534 Prime Sponsor, Representative Kenney: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents.
Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative Lisk.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2536 Prime Sponsor, Representative Fromhold: Offering health care benefit plans to school district employees. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Cox, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.

Excused: Representatives Boldt, Dunshee and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2540 Prime Sponsor, Representative Conway: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Commerce and Labor be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2552 Prime Sponsor, Representative Fromhold: Allowing the school district capital projects fund to provide for costs associated with implementing technology systems. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Schoesler.

Voting yea: Representatives Murray, McIntire, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Veloria and Woods.
Voting nay: Representatives Alexander and Schoesler.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2556 Prime Sponsor, Representative Dunshee: Revising fees collected by county auditors.
Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Cox; Lisk; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Boldt, Cox, Lisk, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2563 Prime Sponsor, Representative Miloscia: Creating the governor's performance audit standards and scorecard commission. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on State Government. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Clements and Lisk.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Clements and Lisk.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2573 Prime Sponsor, Representative Schual-Berke: Funding traffic safety education. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

On page 4 line 9 after "(1)" insert the following:
"and (2)"

On page 4 line 19 after "fund." insert the following:
"NEW SECTION Sec. 4. This act takes effect on July 1, 2002."

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Edwards; Haigh; Hankins; Hatfield; Jackley; Lovick; Murray; Ogden; Rockefeller; Romero; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Holmquist; Jarrett; Mielke and Morell.

Voting yea: Representatives Fisher, Cooper, Lovick, Mitchell, Anderson, Edwards, Haigh, Hankins, Hatfield, Jackley, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

Voting nay: Representatives Armstrong, Ericksen, Holmquist, Jarrett, Mielke and Morell.
Excused: Representative Schindler.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2598 Prime Sponsor, Representative O'Brien: Implementing the recommendations of the joint select committee on the equitable distribution of secure community transition facilities. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Criminal Justice & Corrections. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2604 Prime Sponsor, Representative Clements: Modifying new and successor unemployment contribution rates. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2605 Prime Sponsor, Representative O'Brien: Changing provisions relating to aggregating value for purposes of determining the degree of theft. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2608 Prime Sponsor, Representative Sullivan: Adopting the simplified sales and use tax administration act. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Roach.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Santos, Van Luven and Veloria.

Voting nay: Representatives Orcutt and Roach.

Passed to Committee on Rules for second reading.

February 8, 2002

HB 2609 Prime Sponsor, Representative Sullivan: Improving property tax administration. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2610 Prime Sponsor, Representative Darneille: Providing criminal penalties for endangerment of children and dependent persons with a controlled substance. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Criminal Justice and Corrections be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2611 Prime Sponsor, Representative Lysen: Creating a no call list. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Technology, Telecommunications and Energy be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk and Mastin.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2630 Prime Sponsor, Representative Conway: Establishing apprenticeship utilization requirements for public works. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Chase; Hunt; Lantz; O'Brien; Ogden; Reardon and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Esser; Hankins; Schoesler and Woods.

Voting yea: Representatives Murray, McIntire, Chase, Hunt, Lantz, O'Brien, Ogden, Reardon and Veloria.

Voting nay: Representatives Alexander, Armstrong, Bush, Casada, Esser, Hankins, Schoesler and Woods.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2632 Prime Sponsor, Representative Sommers: Pertaining to the higher education retirement plan. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2635 Prime Sponsor, Representative Cody: Requiring the development of consolidated purchasing and administration of health care services. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Health Care be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2637 Prime Sponsor, Representative Morris: Creating the joint task force on long-term energy supply. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Technology, Telecommunications and Energy be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cox; Lisk; Mastin and Pearson.

Voting yea: Representatives Sommers, Doumit, Fromhold, Boldt, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pflug, Ruderman, Schual-Berke and Talcott.

Voting nay: Representatives Sehlin, Alexander, Buck, Clements, Cox, Lisk, Mastin and Pearson.

Excused: Representative Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2639 Prime Sponsor, Representative Ruderman: Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2648 Prime Sponsor, Representative Murray: Requiring additional information from certain capital budget applicants. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2649 Prime Sponsor, Representative Carrell: Requiring county assessors to submit an annual property tax report to the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2655 Prime Sponsor, Representative Schual-Berke: Waiving filing fees and costs for certain protection orders. Reported by Committee on Appropriations

February 9, 2002

HB 2655 Prime Sponsor, Schual-Berke: Waiving filing fees and costs for certain protection orders. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary (see Journal, 26th Day, February 8, 2002). Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2658 Prime Sponsor, Representative Gombosky: Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.

Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2662 Prime Sponsor, Representative McDermott: Making payroll deductions for individual providers as defined in RCW 74.39A.240(4). Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Commerce and Labor be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson and Pflug.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson and Pflug.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2663 Prime Sponsor, Representative Conway: Changing conditions that are presumed to be occupational diseases of fire fighters. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2666 Prime Sponsor, Representative Veloria: Exempting small business innovative research awards from business and occupation tax. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by the Committee on Trade and Economic Development be substituted therefore and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2671 Prime Sponsor, Representative Linville: Creating the permit assistance center in the department of ecology. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Buck; Clements; Cox; Lisk and Pearson.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Boldt, Buck, Clements, Cox, Lisk and Pearson.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2697 Prime Sponsor, Representative Reardon: Incorporating effective economic development planning into growth management planning. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Clements and Mastin.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representatives Clements and Mastin.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2707 Prime Sponsor, Representative Edwards: Modifying the commencement date for long-term caregiver training. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Health Care be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2731 Prime Sponsor, Representative Veloria: Revising the evaluation of tax preferences. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2732 Prime Sponsor, Representative Gombosky: Excluding government subsidized social welfare compensation from taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2736 Prime Sponsor, Representative Murray: Authorizing the University of Washington and Washington State University to make financing arrangements for research facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting yea: Representatives Murray, McIntire, Alexander, Armstrong, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2744 Prime Sponsor, Representative Murray: Creating a competitive grant program for nonprofit youth organizations. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Armstrong; Bush; Casada and Schoesler.

Voting yea: Representatives Murray, McIntire, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Veloria and Woods.

Voting nay: Representatives Alexander, Armstrong, Bush, Casada and Schoesler.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2750 Prime Sponsor, Representative Gombosky: Revising the property taxation of art, scientific, or historical organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2754 Prime Sponsor, Representative Lantz: Modifying mandatory arbitration provisions. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Judiciary be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Alexander; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Boldt; Buck; Clements; Cox; Lisk; Pearson; Pflug and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Alexander, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Boldt, Buck, Clements, Cox, Lisk, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2758 Prime Sponsor, Representative Quall: Establishing the agricultural conservation easements program. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill by the Committee on Agriculture and Ecology be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2782 Prime Sponsor, Representative Doumit: Implementing the results of the 1995-2000 actuarial experience study. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Mastin; Pearson and Pflug.

Voting yea: Representatives Sommers, Doumit, Fromhold, Cody, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Mastin, Pearson and Pflug.

Excused. Representative Lisk.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2800 Prime Sponsor, Representative Hunt: Removing the capital projects surcharge on certain department of services for the blind vendors. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Armstrong; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Voloria and Woods.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2804 Prime Sponsor, Representative Lisk: Requiring the department of social and health services to review cost adjustments to calculate median costs for the nursing facility medicaid payment system. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2807 Prime Sponsor, Representative Kenney: Creating the Washington promise scholarship. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative Lisk.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2845 Prime Sponsor, Representative Morris: Requiring a performance audit of the utilities and transportation commission. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives McIntire.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative McIntire.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2847 Prime Sponsor, Representative Cooper: Improving water quality through sound storm water management. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2853 Prime Sponsor, Representative Morris: Requiring the emergency management council to identify critical infrastructure in the state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2854 Prime Sponsor, Representative Schual-Berke: Coordinating planning and reporting with regard to a bioterrorism incident. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2867 Prime Sponsor, Representative Fromhold: Mitigating the effects of the aquatic pesticide national pollutant discharge elimination system permit required as the result of a recent court decision. Reported by Committee on Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2891 Prime Sponsor, Representative Sommers: Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Buck, Clements, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke and Talcott.

Excused: Representatives Boldt, Cody and Tokuda.

Passed to Committee on Rules for second reading.

February 7, 2002

HB 2895 Prime Sponsor, Representative Kessler: Allowing port employees to join more than one retirement plan subject to a labor agreement. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pflug; Ruderman; Schual-Berke and Talcott.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pflug, Ruderman, Schual-Berke and Talcott.

Excused: Representatives Boldt, Buck, Pearson and Tokuda.

Passed to Committee on Rules for second reading.

February 12, 2002

HB 2896 Prime Sponsor, Representative Cooper: Allowing certain emergency medical technicians to transfer service credit. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Ruderman; Schual-Berke and Talcott.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk.

Voting yea: Representatives Sommers, Doumit, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting nay: Representative Lisk.

Excused: Representatives Fromhold, Pflug and Tokuda.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2908 Prime Sponsor, Representative Berkey: Exempting organ procurement organizations from taxation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 9, 2002

HB 2914 Prime Sponsor, Representative Kenney: Creating the state financial aid account. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member;

Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Doumit, Fromhold, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Dunshee, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Pflug.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2941 Prime Sponsor, Representative Delvin: Creating a special impact mitigation program to offset the impact of construction of a nuclear waste treatment and immobilization plant. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2950 Prime Sponsor, Representative Gombosky: Addressing the health and safety of Washington state and its residents. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HB 2951 Prime Sponsor, Representative Conway: Providing tax relief for certain transportation providers of natural or manufactured gas. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Conway; Morris; Santos and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Cairnes, Ranking Minority Member; Nixon; Orcutt; Roach and Van Luven.

Voting yea: Representatives Gombosky, Berkey, Conway, Morris, Santos and Veloria.
Voting nay: Representatives Cairnes, Nixon, Orcutt, Roach and Van Luven.

Passed to Committee on Rules for second reading.

February 11, 2002

HJM 4020 Prime Sponsor, Representative Simpson: Requesting Congress to restore the retail sales tax deduction for the federal income tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

February 12, 2002

HJR 4219 Prime Sponsor, Representative Schual-Berke: Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

On page 2, line 26, after "proposition" insert "when the proposition is submitted at a primary or general election"

On page 3, line 11, after "proposition" insert "when the proposition is submitted at a primary or general election"

On page 3, line 30, after "proposition" insert "when the proposition is submitted at a primary or general election"

On page 3, line 17, after "town," strike "~~((school district,))~~" and insert "school district,"

On page 3, line 20, after "town," strike "~~((school district,))~~" and insert "school district,"

On page 3, line 39, after "with" strike "~~((such))~~ majority" and insert "such"

Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Armstrong; Bush; Casada; Chase; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Veloria and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Esser and Schoesler.

Voting yea: Representatives Murray, McIntire, Armstrong, Bush, Casada, Chase, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Veloria and Woods.

Voting nay: Representatives Alexander, Esser and Schoesler.

Passed to Committee on Rules for second reading.

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

There being no objection, the following bills were placed on the Second Reading calendar:

HOUSE BILL NO. 1268,
HOUSE BILL NO. 2296,
HOUSE BILL NO. 2355,
HOUSE BILL NO. 2403,
HOUSE BILL NO. 2427,
HOUSE BILL NO. 2456,
HOUSE BILL NO. 2658,
HOUSE BILL NO. 2663,

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

SECOND READING

HOUSE BILL NO. 2623, by Representatives Grant, Cairnes, Reardon, Orcutt, Hatfield, Esser, Doumit, Anderson, Linville, Schoesler, Kessler, Jarrett, Berkey, Pflug, Alexander, Jackley, O'Brien, Nixon, Edwards, Mulliken and Haigh

Adjusting the monetary threshold for "substantial development" under the shoreline management act.

The bill was read the second time.

Representative Linville moved the adoption of amendment (102):

On page 5, line 9, after "~~((two))~~" strike "twelve thousand five hundred" and insert "five thousand ((five hundred))"

Representatives Linville, Dunshee, Jarrett and Grant spoke in favor of the adoption of the amendment.

Representatives DeBolt and Armstrong spoke against the adoption of the amendment.

The amendment was adopted.

There being no objection, amendments (040) and (039) were withdrawn.

The bill was ordered engrossed.

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

Representatives Grant, Mulliken and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2623.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2623 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Engrossed House Bill No. 2623, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2403, by Representatives Kenney, Conway, Veloria, Linville, Campbell, O'Brien, Fromhold, Lovick, Hunt, Hurst, Miloscia, Jackley, Kagi, Schual-Berke, Kessler, Gombosky, Berkey, Cody, Chase, Morris, Dickerson, Tokuda, Cooper, Darneille, Kirby, Upthegrove, Edwards, Romero, Santos, Lysen, Quall, McIntire, Wood, Haigh, McDermott, Simpson and Sullivan

Providing for collective bargaining at four-year institutions of higher education.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2403 was substituted for House Bill No. 2403 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2403 was read the second time.

Electronic roll call was demanded for each amendment and the demand was sustained.

Representative Skinner moved the adoption of amendment 067:

On page 3, at the beginning of line 13, strike "wages, hours, and other terms and conditions of employment" and insert "the matters subject to bargaining as provided in section 4 of this act"

On page 4, beginning on line 22, after "(1)" strike all material through "Nothing" on line 36 and insert the following:

"The matters subject to bargaining are wages, the dollar amount expended on behalf of each employee for health care benefits, and vacation benefits.

(2) The employer is prohibited from collectively bargaining any matter outside the scope of bargaining. However, nothing"

Representative Skinner spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (067) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (067) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Eickmeyer, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Cox moved the adoption of the following amendment (068):

On page 4, beginning on line 13, strike all of subsection (11) and insert the following:
"(11) "Bargaining unit" includes all faculty members of all campuses in each of the divisional units, such as a school or college, of an institution of higher education. Only one bargaining unit is allowable for the faculty in a divisional unit of each institution of higher education and an appropriate bargaining unit must contain all faculty members within each divisional unit of the institution of higher education."

Representative Cox spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (068) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (068) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Clements moved the adoption of the following amendment (076):

On page 5, line 25, after "section" insert ", subject to section 16 of this act"

On page 12, line 25, after "REMEDIES." insert "(1)"

On page 12, after line 35, insert the following:

"(2) A regent, trustee, or faculty member represented by an exclusive bargaining representative may petition the superior court in the county in which the regent, trustee, or faculty member's affiliated higher education institution is located for an order decertifying the exclusive bargaining representative upon a showing that the exclusive bargaining representative promoted a strike, including any work stoppage, slowdown, or misuse of sick leave benefits, and that within a reasonable period following the promotion the strike occurred. Upon decertification, the exclusive bargaining representative may not represent faculty at the affiliated public four-year institution of higher education for five years."

Representative Clements spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (076) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (076) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lantz, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Chandler moved the adoption of amendment (069):

On page 6, beginning on line 24, after "unit" strike all material through "If" on line 34 and insert ". However, if"

Representatives Chandler, Boldt, Mastin and Bush spoke in favor of adoption of the amendment.

Representative Conway spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (069) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (069) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Dunshee, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Clements moved the adoption of amendment (070):

On page 7, after line 17, insert the following:

"NEW SECTION. Sec. 9. NOTICE TO ALUMNI. The governing body of an institution of higher education must notify, by first class mail to the last known mailing address, the institution of higher education's alumni of the certification of an exclusive bargaining representative under this chapter."

Renumber the remaining sections consecutively.

Representative Clements spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (070) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (070) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 45.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 52.

Excused: Representative Schindler - 1.

Representative Clements moved the adoption of amendment (071):

On page 8, line 3, after "may" insert ", from local efficiency savings,"

Representative Clements spoke in favor of the adoption of the amendment.

Representative Kenney spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (071) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (071) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Chandler moved the adoption of amendment (072):

On page 10, beginning on line 27, after "pay" strike the remainder of the section and insert "an amount of money equivalent to the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative to the charity listed with the United Fund, as defined in RCW 41.04.035, that the faculty member designates. The faculty member must furnish written proof that such payments have been made."

Representatives Chandler and DeBolt spoke in favor of the adoption of the amendment.

Representative Cody spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (072) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (072) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

Representative Cox moved the adoption of amendment (073):

On page 12, line 25, after "REMEDIES." insert "(1)"

On page 12, after line 35, insert the following:

"(2) In the event of a strike or lockout that results in denying instructional services, a student enrolled in a course affected by the strike or lockout is entitled, within thirty days of the regularly scheduled end of the academic year, to the issuance of a letter grade for the course work completed, or a pass/fail grade if the student has chosen a pass/fail option. If the institution of higher education fails to issue the grade within the period specified in this subsection, the institution of higher education must refund to the student any tuition paid for the course."

Representatives Cox and Esser spoke in favor of adoption of the amendment.

Representative Fromhold spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (073) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (073) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox,

Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Schindler - 1.

There being no objection, Rule 13c was suspended.

Representative Hankins moved adoption of amendment (075):

On page 12, line 25, after "REMEDIES." insert "(1)"

On page 12, after line 35, insert the following:

"(2) If a court determines that faculty members have violated this section by engaging in a strike, the court shall order forfeiture of the right to dues deductions granted to the faculty members' exclusive bargaining representative under section 12(1) and (2) of this act. The forfeiture may be for a specified period of time as the court determines or, in the court's discretion, for an indefinite period of time subject to restoration upon application, with notice to all interested parties, supported by good faith compliance with subsection (1) of this section since the date of the violation, such proof to include, but not be limited to, the successful negotiation, without a violation of subsection (1) of this section, of a contract covering the faculty members in the unit affected by the violation."

Representatives Hankins and Mastin spoke in favor of adoption of the amendment.

Representative Kenney spoke against adoption of the amendment

The Speaker stated the question before the House to be adoption of amendment (075) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (075) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Excused: Representative Schindler - 1.

Representative Clements moved adoption of amendment (077):

On page 12, line 25, after "REMEDIES." insert "(1)"

On page 12, after line 35, insert the following:

"(2) For the purposes of this subsection, "strike" includes any concerted action by faculty members or employee organizations to suspend, curtail, interrupt, withhold, or otherwise fail or refuse to perform fully their normal duties or services as employees in connection with a controversy concerning terms or conditions of their public employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of their public employment, regardless of whether the disputants in the controversy stand in the proximate relation of employer and employee. A strike includes, but is not limited to, any concerted action that would result in delaying the determination of student grades or that would impair a student's eligibility to graduate because of the failure to perform normal duties.

(3) If, upon the motion of a student or student's parent, faculty member, or the employer, a court finds that as a result of a strike student grades are unreasonably delayed or that a student's eligibility to graduate is impaired because of a delayed transcript, the court shall impose a civil penalty of one thousand dollars for each day of the delay to be paid by the exclusive bargaining representative of the faculty bargaining unit that engaged in a strike."

Representative Clements spoke in favor of adoption of the amendment.

Representative Wood spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (077) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (077) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Excused: Representative Schindler - 1.

Representative Pflug moved adoption of amendment (074):

On page 12, line 25, after "REMEDIES." insert "(1)"

On page 12, after line 35, insert the following:

"(2) For the purposes of this subsection, "strike" includes any concerted action by faculty members or employee organizations to suspend, curtail, interrupt, withhold, or otherwise fail or refuse to perform fully their normal duties or services as employees in connection with a controversy concerning terms or conditions of their public employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of their public employment, regardless of whether the disputants in the controversy stand in the proximate relation of employer and employee. A strike includes, but is not limited to, any concerted action that would result in delaying the determination of student grades or that would impair a student's eligibility to graduate because of the failure to perform normal duties."

Representative Pflug spoke in favor of adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (074) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (074) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Excused: Representative Schindler - 1.

Representative McMorris moved the adoption of amendment (078):

On page 13, after line 19, insert the following:

"**Sec. 20.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to read as follows:

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) All meetings of the employer and an exclusive bargaining representative relating to contract negotiations under chapter 41. RCW (sections 1 through 23 of this act) shall be open and public.

Sec. 21. RCW 42.30.140 and 1990 c 98 s 1 are each amended to read as follows:

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, except as provided in RCW 42.30.030(2) with respect to contract negotiations under chapter 41. RCW (sections 1 through 23 of this act), grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

NEW SECTION. **Sec. 22.** A new section is added to chapter 42.30 RCW to read as follows:

The governing body of an institution of higher education negotiating under this chapter must maintain mailing lists of persons who request notice of meetings that are open to the public under RCW

42.30.030(2). Persons on this list must be notified by mail or electronically of the first meeting related to the negotiation of a new or revised collective bargaining agreement under chapter 41. __RCW (sections 1 through 23 of this act). The notice of the first meeting must include a telephone number or electronic mail address that the person receiving the notice may use to obtain updated information regarding further meetings."

Renumber the remaining sections consecutively and correct internal references accordingly, and correct the title.

Representative McMorris spoke in favor of adoption of the amendment.

Representative Cooper spoke against adoption of the amendment.

The Speaker stated the question before the House to be adoption of amendment (078) to Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the adoption of amendment (078) to Second Substitute House Bill No. 2403, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 51, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Excused: Representative Schindler - 1.

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

Representatives Kenney, Quall and McIntire spoke in favor of passage of the bill.

Representatives Schoesler, McMorris, Clements, Cox and Sehlin spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2403 and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Cox, Crouse, DeBolt, Delvin, Dunn,

Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 42.

Excused: Representative Schindler - 1.

Second Substitute House Bill No. 2403, having received the necessary constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative Clements, having voted on the prevailing side, moved that the rules be suspended, and that the House immediately reconsider the vote on Second Substitute House Bill No. 2403. The motion was carried.

RECONSIDERATION

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 2403 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2403 on reconsideration and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Murray, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 45.

Excused: Representative Schindler - 1.

Second Substitute House Bill No. 2403 on reconsideration, having received the constitutional majority, was declared passed.

MOTION FOR RECONSIDERATION

Representative McIntire, having voted on the prevailing side, moved that the rules be suspended, and that the House immediately reconsider the vote on Second Substitute House Bill No. 2403. The motion was carried.

RECONSIDERATION

Speaker Chopp stated the question before the House to be final passage of Second Substitute House Bill No. 2403 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2403 on reconsideration and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1, Not Voting - 0.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 44.

Excused: Representative Schindler - 1.

Second Substitute House Bill No. 2403 on reconsideration, having received the constitutional majority, was declared passed.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., February 13, 2002, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

THIRTIETH DAY, FEBRUARY 12, 2002

OPR --

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 13, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Scott Bowers and Joy Zornes. Prayer was offered by Pastor Dwayne Deskins, New Life Fellowship Church, Raymond.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4691, by Representatives Hatfield, Doumit, Quall and Cox

WHEREAS, Willapa Valley High School this past fall captured its fourth state football title when the Vikings put a dazzling finishing touch on yet another stellar season with a 39-18 victory over runner-up DeSales High School; and

WHEREAS, In addition to capturing the Washington State B-11 gridiron championship, the Vikings inscribed fourteen victories and not a single defeat into the school's storied athletic annals; and

WHEREAS, Head Coach Rob Friese this past year again led his Pacific County powerhouse over, around, and through football foes as the Vikings sailed to ultimate statewide acclaim in the final siege at the Tacoma Dome; and

WHEREAS, Assistant Coaches John Peterson, Greg Wonhoff, and Dan Oppelt joined Coach Friese, who is also the Principal at Willapa Valley High School and Menlo Middle School, in guiding the Vikings to a flawless football campaign; and

WHEREAS, The Willapa Valley High School Vikings have now brought football crowns back to their Southwest Washington home in four different decades, not to mention, of course, two different centuries; and

WHEREAS, The postseason path to the Gridiron Classic for the Vikings featured triumphs over the likes of tough opponents representing high schools in Morton, Darrington, and Ritzville;
NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington acclaim and esteem the Willapa Valley High School Vikings for their undefeated, state championship football season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the coaching staff and administration at Willapa Valley High School.

Representative Hatfield moved the adoption of the resolution.

Representative Hatfield, Doumit and Quall spoke in favor of the adoption of the resolution.

House Resolution No. 4691 was adopted.

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

SECOND READING SUSPENSION

HOUSE BILL NO. 2685, by Representatives Kenney, Jarrett, Fromhold, Tokuda and Lantz; by request of University of Washington

Establishing the probationary period for campus police officer appointees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

MOTIONS

On motion of Representative Woods, Representatives Casada, Mulliken and Schindler were excused. On motion of Representative Santos, Representative Edwards was excused.

The bill was placed on final passage.

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2685.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2685 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Casada, Edwards, Mulliken, and Schindler - 4.

House Bill No. 2685, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2768, by Representatives Orcutt, Kagi, Tokuda, Boldt, Jarrett, Benson, Nixon, Lisk, Darneille, Mulliken, Chase, Mielke, Morell, Edwards and Woods

Requiring review of reports to the legislature by DSHS.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Orcutt, Tokuda, Miloscia and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2768.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2768 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Casada, Mulliken, and Schindler - 3.

House Bill No. 2768, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4015, by Representatives Delvin, Hankins, Ogden, Fisher, Lisk and G. Chandler

Requesting full funding for the cleanup of the Hanford Reservation.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Delvin and Linville spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4015.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4015 and the joint memorial passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Casada, Mulliken, and Schindler - 3.

House Joint Memorial No. 4015, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4677, by Representatives Pflug, Anderson and Cairnes

WHEREAS, The students of Tahoma High School in Maple Valley, Washington, enrolled in the program known as "We The People, The Citizen and Constitution" have exhibited that they have learned very well the lessons of our forefathers who wrote the Constitution of the United States and will be representing all of Washington in national championship competitions; and

WHEREAS, This knowledge will enhance their lives and direct their paths as they walk through life, proud in the knowledge that Americans have long stood for justice and liberty of all Americans; and

WHEREAS, Being armed with this knowledge is to the benefit of all citizens of this great country and state and will encourage them to participate in the democracy men and women have fought so gallantly to preserve; and

WHEREAS, These energetic, knowledgeable young people will one day lead this state and country, and there may very well be in their midst a Governor, Senator, member of Congress, or perhaps even a future President; and

WHEREAS, The Teacher of the "We The People" program, Stephanie Davis, can take great pride knowing that the students enrolled in this program have the knowledge to outperform university students in every topic; and

WHEREAS, Studies have shown that eighty percent of senior students participating in this program have registered to vote compared to an average of thirty-seven percent, thereby proving that this program has increased the interest in politics and in participating in government; and

WHEREAS, Tahoma High School had teams competing at the state championship, and one such team won the first place title, enabling its members to represent the whole state of Washington when they compete at the national competition in Washington, D.C.;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives wish to acknowledge the participants in this program, all of whom are members of the team that won first place: Heather Aldrich, Laura Bailey, Andy Bauer, Travis Beckett, Lance Bishop, Jonathan Bongard, Sheena Clark, Aimee Craig, Mike DeSisto, Casey Dillon, Kiran Garcha, Tyler Hawks, Katie Kennedy, Rebecca Kennedy, David Knotts, Alissa Loudiana, Julia Lowe, Ryan Marsh, Jamaica Morris, Michaela Soldano, Kellie Stendal, Stefanie Waldron, Emily Walters, Ryan Wells, and Jessica Woodall. All are students making their families and fellow citizens proud; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives forward a copy of this resolution to the Principal of Tahoma High School to further show the respect of this body for a job well done by each student and teacher.

Representative Upthegrove moved the adoption of the resolution.

Representatives Upthegrove, Anderson, Lantz and Cairnes spoke in favor of the adoption of the resolution.

House Resolution No. 4677 was adopted.

HOUSE JOINT MEMORIAL NO. 4025, by Representatives Schindler, Ahern, Cox, Boldt, Mielke, Sump, Pearson, Nixon, Mulliken, Campbell, Benson, Morell, Talcott, Sehlin, Crouse, Buck, Holmquist, Esser, Schmidt, Ericksen, Haigh, Bush, Alexander, Anderson, Hankins, Lisk, Dunshee, Fisher, Mitchell, Woods, Armstrong, Grant, Santos, Hatfield, Wood, O'Brien, McDermott, Upthegrove, Jackley, Lysen, Kagi, Gombosky, Tokuda, Veloria, Kenney, Conway, Cody, Dickerson, Lantz, Fromhold, Berkey, Edwards, Chase, Lovick, Schual-Berke, Murray, Barlean, Jarrett, Cooper, Rockefeller, Simpson, Sullivan, Skinner, Eickmeyer, Ogden, Morris, Linville, Dunn and Darneille

Requesting that Congress modify IDEA to allow parent choice for assessment and treatment.

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For Committee amendment, see Journal, 26th Day, February 8, 2002.)

The joint memorial was placed on final passage.

Representatives Boldt, Ahern and Tokuda spoke in favor of passage of the joint memorial.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Engrossed House Joint Memorial No. 4025.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 4025 and the joint memorial passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Engrossed House Joint Memorial No. 4025, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1157, by Representatives Murray, Hankins, Lovick, Fisher and Keiser

Identifying rebuilt vehicles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Second Substitute House Bill No. 1157 was read the second time.

The bill was placed on final passage.

Representatives Murray and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1157.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1157 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Second Substitute House Bill No. 1157, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2380, by Representatives Dickerson, Eickmeyer, O'Brien, Kenney, Rockefeller, Ruderman, Kagi, Darneille, Tokuda, Chase, Lovick and Haigh

Changing provisions relating to segregation of children offenders from adult offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Delvin spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2380.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach,

Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 2380, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2432, by Representatives Lovick, Jarrett and Mitchell

Regulating driving abstracts furnished to transit agencies on vanpool drivers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2432 was read the second time.

The bill was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2432.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2432 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Substitute House Bill No. 2432, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2444, by Representatives Darneille, Campbell, Jarrett, Gombosky, Lovick, Ruderman, Pflug, Haigh and Kenney

Specifying qualifications for adult family home providers and resident managers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Darneille and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2444.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2444 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 2444, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2454, by Representatives Dickerson, Esser, Jarrett, Darneille, Tokuda and Haigh

Studying programs for at-risk youth intervention.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Esser spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2454.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2454 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representative Sommers - 1.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 2454, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2568, by Representatives Dickerson, Tokuda, Kagi, Fromhold, Ogden, Chase, Jackley and McDermott

Formalizing the relationship between the department of social and health services and the state school for the deaf.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2568 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2568.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2568 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Woods - 95.

Excused: Representatives Mulliken, and Schindler - 2.

Not Voting: Mr. Speaker - 1.

Substitute House Bill No. 2568, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1454, by Representatives Fisher, Hankins, Lovick, Mitchell and Cooper; by request of Utilities & Transportation Commission

Granting the utilities and transportation commission authority to inspect businesses that ship hazardous materials by rail.

The bill was read the second time.

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

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1454.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1454 and the bill passed the House by the following vote: Yeas - 83, Nays - 13, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 83.

Voting nay: Representatives Benson, Boldt, Buck, Clements, Cox, Crouse, Dunn, Holmquist, McMorris, Mielke, Orcutt, Schoesler, and Sump - 13.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 1454, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1852, by Representatives Morris, Schoesler, Anderson, Eickmeyer, Conway, Fromhold, Van Luven, Kenney, Dunn, Santos, Ogden, Jackley, O'Brien, Lovick and Linville

Increasing international marketing of Washington's goods and services.

The bill was read the second time.

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

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1852.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1852 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 1852, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1856, by Representatives Morell, O'Brien, Talcott, Miloscia, Quall, Carrell, Rockefeller, Bush, Cox, Pflug, Pearson and Woods

Excusing student absences for state-recognized search and rescue activities.

The bill was read the second time.

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

Representative Morell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 1856.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1856 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

House Bill No. 1856, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1938, by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Pearson, Sump, Doumit, Jackley, Pennington, Mulliken, Boldt, Schoesler and Buck)

Prescribing penalties for sabotage resulting in damage to land, facilities, and property or personal injury.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1938 was substituted for Substitute House Bill No. 1938 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1938 was read the second time.

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

Representatives Pearson, O'Brien and McIntire spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1938.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1938 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase,

Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Second Substitute House Bill No. 1938, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2160, by Representative McIntire

Determining minimum reserves held by a charitable gift annuity business.

The bill was read the second time. There being no objection, Substitute House Bill No. 2160 was substituted for House Bill No. 2160 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2160 was read the second time.

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

Representative McIntire spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2160.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2160 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Substitute House Bill No. 2160, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2190, by Representatives McDermott, Anderson, Santos, Schmidt, Quall, Ericksen, Kenney, Pearson, Schindler, Keiser, Schual-Berke, Rockefeller, Talcott, Haigh, Bush, O'Brien, Jarrett, Lambert, Kessler, Grant, Mielke and Simpson

Permitting the children of certificated and classified school employees to enroll at the school where the employee is assigned.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2190 was substituted for House Bill No. 2190 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2190 was read the second time.

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

Representatives McDermott, Anderson and Talcott spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2190.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2190 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Mulliken, and Schindler - 2.

Second Substitute House Bill No. 2190, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2295, by Representative Ruderman

Modifying fees for locating unclaimed property.

The bill was read the second time.

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

Representatives Ruderman and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2295.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2295 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representative Morris - 1.

Excused: Representative Schindler - 1.

House Bill No. 2295, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2337, by Representatives Santos, Talcott, Kessler, Schmidt, Berkey, Jackley, Upthegrove, Schual-Berke, Wood, Kagi and Ogden; by request of Governor Locke, State Board of Education, Washington State School Directors Association, A+ Commission and Superintendent of Public Instruction

Authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals.

The bill was read the second time. There being no objection, Substitute House Bill No. 2337 was substituted for House Bill No. 2337 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2337 was read the second time.

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

Representatives Santos, Talcott and Clements spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2337.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2337 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Schindler - 1.

Substitute House Bill No. 2337, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2381, by Representatives Veloria, Van Luven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Upthegrove, Edwards, Santos, Kagi and Haigh

Addressing the trafficking of persons.

The bill was read the second time. There being no objection, Substitute House Bill No. 2381 was substituted for House Bill No. 2381 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2381 was read the second time.

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

Representatives O'Brien, Van Luven, Casada, Veloria and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2381.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2381 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2381, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2456, by Representatives Kessler, Hankins, Cooper, Chase, Conway, Jackley, Veloria, Ogden, Kenney, McDermott and McIntire; by request of Department of Community, Trade, and Economic Development

Modifying provisions relating to the linked deposit program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2456 was substituted for House Bill No. 2456 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2456 was read the second time.

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

Representatives Kessler and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2456.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2456 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2456, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2386, by Representatives Simpson, Schmidt, Hurst, Benson, Haigh, Barlean, Conway, Bush, Delvin, Miloscia, Linville, Campbell, Talcott, Lovick, Dunn, Esser and Jackley

Classifying members of the Washington national guard as resident students.

The bill was read the second time.

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

Representatives Simpson and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2386.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2386 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2386, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2401, by Representatives Doumit, Eickmeyer, Rockefeller, Sump, Jackley, Pearson, Ericksen, Hatfield, Chase, Edwards, McDermott and Haigh; by request of Department of Natural Resources

Reimbursing employees of the department of natural resources who are victims of assault.

The bill was read the second time.

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

Representatives Doumit and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2401.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2401 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2401, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2406, by Representatives O'Brien, Ballasiotes, Lantz, Delvin, Lovick, Hurst, Morell, Conway, Veloria, Miloscia, Talcott, Kirby, Woods, Haigh and Esser

Creating a statewide registered sex offender web site.

The bill was read the second time. There being no objection, Substitute House Bill No. 2406 was substituted for House Bill No. 2406 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2406 was read the second time.

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

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2406 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2406, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2410, by Representatives Cairnes, Simpson, Kirby, Armstrong and Haigh

Authorizing advisory board of plumbers to advise department of labor and industries on proposed legislation.

The bill was read the second time.

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

There being no objection, the House deferred action on House Bill No. 2410, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2414, by Representatives Haigh, Anderson, Quall, Talcott, Tokuda, McIntire, Kenney, Chase and Schual-Berke; by request of Governor Locke, Superintendent of Public Instruction, State Board of Education and Professional Educator Standards Board

Changing provisions relating to the professional educator standards board.

The bill was read the second time. There being no objection, Substitute House Bill No. 2414 was substituted for House Bill No. 2414 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2414 was read the second time.

On motion of Representative DeBolt, Representative Cairnes was excused.

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

Representative Haigh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2414 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Cairnes - 1.

Substitute House Bill No. 2414, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2415, by Representatives Quall, Talcott, Haigh, Anderson, Rockefeller, Tokuda, Lantz, Romero, McIntire and Chase; by request of Governor Locke, Superintendent of Public Instruction, State Board of Education and Professional Educator Standards Board

Changing qualifications for public school principals and vice principals.

The bill was read the second time. There being no objection, Substitute House Bill No. 2415 was substituted for House Bill No. 2415 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2415 was read the second time.

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

Representatives Quall and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2415.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2415 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Cairnes - 1.

Substitute House Bill No. 2415, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2421, by Representatives Morell, O'Brien, Wood, Lovick, Armstrong, Boldt, Cox, Jackley, Kagi and Haigh

Exempting from public inspection specified information on correctional facilities.

The bill was read the second time.

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

Representatives Morell and O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2421.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2421 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Cairnes - 1.

House Bill No. 2421, having received the necessary constitutional majority, was declared passed.

THIRD READING

HOUSE BILL NO. 2401, by Representatives Doumit, Eickmeyer, Rockefeller, Sump, Jackley, Pearson, Ericksen, Hatfield, Chase, Edwards, McDermott and Haigh; by request of Department of Natural Resources

Reimbursing employees of the department of natural resources who are victims of assault.

Representatives Cairnes and Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2401.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2401 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2401, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2241, by Representatives Ericksen, Woods, Mitchell, Esser, Morell and Anderson

Modifying transportation project permitting.

The bill was read the second time. There being no objection, Substitute House Bill No. 2241 was substituted for House Bill No. 2241 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2241 was read the second time.

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

Representative Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2441.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2441, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2446, by Representatives Miloscia, Mulliken, DeBolt and Dunshee

Setting time limits for review of water and sewer general comprehensive plans.

The bill was read the second time. There being no objection, Substitute House Bill No. 2446 was substituted for House Bill No. 2446 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2446 was read the second time.

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

Representatives Miloscia and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2446.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2446 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2446, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2521, by Representatives Linville, Schoesler, McIntire, Santos, Jackley, Kenney, Miloscia, Chase, Upthegrove, Lovick and Wood

Registering pesticides.

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2521.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2521 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2521, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2538, by Representatives Conway, Campbell, Romero, Hunt, O'Brien, Jackley, Wood, Chase, Ogden, Simpson and Kenney

Prohibiting substitution of subcontractors on larger public works contracts.

The bill was read the second time.

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

Representatives Conway and Milsocia spoke in favor of passage of the bill.

Representatives Woods and Cairnes spoke against the passage of the bill.

There being no objection, the House deferred action on House Bill No. 2538, and the bill held its place on the Third Reading calendar.

HOUSE BILL NO. 1268, by Representatives Romero, Campbell, Conway, Kenney, Kessler, Hurst, Keiser, Simpson, Ogden, Lovick, McIntire, Ruderman, O'Brien, Schual-Berke, Poulsen, Kagi, Cody, Edmonds, Wood and Haigh; by request of Governor Locke

Enacting the civil service reform act of 2001.

The bill was read the second time. There being no objection, Substitute House Bill No. 1268 was substituted for House Bill No. 1268 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1268 was read the second time.

Representative Benson moved the adoption of amendment (085):

On page 3, line 28, after "religious" strike "tenets or teachings of a church or religious body of which such public employee is a member" and insert "~~((tenets or teachings of a church or religious body of which such public employee is a member))~~ or philosophical beliefs of such public employee"

On page 8, line 20, after "religious" strike "~~tenets or teachings of a church or religious body of which such public employee is a member~~" and insert "or philosophical beliefs of such public employee"

On page 73, beginning on line 7, strike "tenets, or teachings of a church or religious body of which the employee is a member," and insert "or philosophical beliefs of the employee,"

Representatives Benson and Casada spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Cox moved the adoption of amendment (086):

On page 3, line 32, after "conscience," insert "or to a bona fide nonprofit charitable organization chosen by such public employee."

On page 8, line 24, after "conscience," insert "~~or to a bona fide nonprofit charitable organization chosen by such public employee,~~"

On page 73, line 11, after "conscience" insert ", or to a bona fide nonprofit charitable organization chosen by such public employee"

Representatives Cox and Chandler spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMorris moved the adoption of amendment (087):

On page 7, line 16, after "(1)" strike all material through "(2))" on line 18 and insert "The reduction, dismissal, suspension, or demotion of an employee;

(2)"

Renumber the subsections consecutively and correct internal references accordingly.

On page 11, line 25, strike all of subsection (1)

Renumber the subsections consecutively and correct internal references accordingly.

Representative McMorris spoke in favor of the adoption of the amendment.

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Armstrong moved the adoption of amendment (113):

On page 14, beginning on line 24, strike all of section 207 and insert the following:

"**Sec. 207.** RCW 41.06.022 and 1993 c 281 s 8 are each amended to read as follows:

For purposes of this chapter, "manager" means any employee who:

(1) Formulates statewide policy or directs the work of an agency or agency subdivision;

(2) Is responsible to administer one or more statewide policies or programs of an agency (~~or agency subdivision;~~

~~(3) Manages, administers, and controls a local branch office of an agency or agency subdivision, including the physical, financial, or personnel resources); and~~

~~((4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets; or~~

~~(5)) (3) Functionally is above the first level of supervision and exercises authority that is not merely routine or clerical in nature and requires the consistent use of independent judgment; or~~

~~(4) Has substantial responsibility in personnel administration, legislative relations, public information, or the preparation and administration of budgets.~~

No more than seven percent of an agency's work force may be in the Washington management service. No employee who is a member of the Washington management service may be included in a collective bargaining unit established under sections 301 through 314 of this act."

Representatives Armstrong, Campbell, Nixon and Armstrong (again) spoke in favor of the adoption of the amendment.

Representatives Romero and Hunt spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (113) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (113) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Representative McMorris moved the adoption of amendment (088):

On page 15, beginning on line 31, beginning with "demonstrated" strike all material through "improvements" on line 32, and insert "provided notice of anticipated savings or efficiency improvements resulting from the contract"

Representatives McMorris and Boldt spoke in favor of the adoption of the amendment.

Representative Miloscia spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Chandler moved the adoption of amendment (089):

On page 15, line 35, after "(2)" insert the following:
"(a) Departments, agencies, and institutions of higher education are prohibited from bargaining matters pertaining to purchasing services by contract.
(b)"

On page 67, line 36, after "act" insert "or over matters pertaining to purchasing services by contract"

On page 68, beginning on line 5, strike all of subsection (7)

Representatives Chandler, Mastin, Alexander, Mastin (again), Esser spoke in favor of the adoption of the amendment.

Representatives Upthegrove and Romero spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (089) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (089) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Representative Mulliken moved the adoption of amendment (090):

On page 17, after line 24, insert the following:

"NEW SECTION. Sec. 209. A new section is added to chapter 41.06 RCW to read as follows:

The office of financial management shall conduct a study of the programs and services currently provided by state employees that could be more efficiently provided by the private sector at the same or lower cost through contracting for the programs or services, and shall report the results of the study to the appropriate committees of the legislature no later than December 1, 2003.

The office of financial management shall consult with the governor, state agency directors, organizations representing public employees, organizations representing small businesses, and organizations representing large businesses, and review the experiences of other states that use contracting to provide public services.

The office of financial management shall conduct a similar study every two years and present the results of the study to the appropriate committees of the legislature by December first of every odd-numbered year."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Mulliken and DeBolt spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (090) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (090) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Benson moved the adoption of amendment (091):

On page 65, beginning on line 15, after "(3)" strike all material through "Requests" on line 21, and insert "After the exclusive bargaining representative or representatives ratify the agreement and prior to submitting a request to the legislature for funds or implementing legislation, the governor shall hold a public hearing on the contract. In addition to notifying individuals and groups who have expressed interest in the contract, notice of the date and location of the hearing and a detailed description of the material terms of the contract must be published in the state register. After the hearing, the governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement within ten days of the date of the hearing or, if the legislature is not in session, within ten days after the legislature next convenes. In addition, requests"

Representatives Benson, Boldt, Schoesler and Clements spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (091) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (091) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkeley, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Sehlin moved the adoption of amendment (092):

On page 65, line 15, after "(3)" insert the following:

"Master collective bargaining agreements shall be subject to ratification by the employees affected by the agreement. All provisions of ratified agreements conforming with this chapter are valid and enforceable except those provisions not approved by the legislature as provided in subsection (4) of this section.

(4)"

Renumber the subsections consecutively and correct internal references accordingly.

On page 65, beginning on line 19, strike "exclusive bargaining representative or representatives ratify the agreement" and insert "agreement is ratified"

Representatives Sehlin and Chandler spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (092) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (092) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Representative Schmidt moved the adoption of amendment (109):

On page 65, at the beginning of line 30, insert "The governor may not submit a request for funds or legislation necessary to implement the agreement until after he or she submits a proposed budget to provide for the public schools, as required by Article IX of the state Constitution."

Representatives Schmidt, Mitchell and Pflug spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (109) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (109) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 50.

Representative McMorris moved the adoption of amendment (093):

On page 65, line 30, beginning with "The legislature" strike all material through "whole." on line 31

On page 65, line 34, after "act." insert "If the legislature approves the submission, with or without amendment, neither party may reopen any part of the agreement except with the consent of both parties, nor may either party seek to implement the procedures provided for in section 310 of this act."

Representatives McMorris and Clements spoke in favor of the adoption of the amendment.

Representatives McDermott and Romero spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (093) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (093) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

With the consent of the House, amendment (094) was withdrawn.

Representative Cox moved the adoption of amendment (095):

On page 66, line 33, after "(7)" strike "After" and insert "Except as provided in section 310 of this act, after"

On page 72, line 2, after "law." insert "However, if the failure of the parties to reach a negotiated agreement is because of unwillingness or unreasonable delay on the part of the exclusive bargaining representative, the employer may immediately implement unilateral changes upon filing the changes, together with a statement of its good faith efforts to negotiate, with the commission."

Representative Cox spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (096):

Beginning on page 67, line 37, after "(6)" strike all material through "(7)" on page 68, line 5

Representatives Boldt and McMorris spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (096) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (096) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

With the consent of the House, amendment (111) was withdrawn.

Representative Ballasiotes moved the adoption of amendment (084):

On page 69, line 25, after "**307.**" strike "RIGHT TO STRIKE NOT GRANTED." and insert "STRIKES."

On page 69, line 28, after "duties." insert "However, strikes by employees of the department of corrections are expressly prohibited, and no employee of the department of corrections may strike or refuse to perform his or her official duties."

Representatives Ballasiotes, McMorris and Benson spoke in favor of the adoption of the amendment.

Representatives Ruderman and Simpson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (084) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (084) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin,

McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Anderson moved the adoption of amendment (097):

On page 69, line 28, after "duties." insert "However, strikes by employees of the emergency management program in the state military department are expressly prohibited, and no employee of the emergency management program may strike or refuse to perform his or her official duties."

Representatives Anderson and Mitchell spoke in favor of the adoption of the amendment.

Representative Ruderman spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (098):

On page 73, after line 30, insert the following:

"NEW SECTION. Sec. 312. FINANCIAL REPORTS TO EMPLOYEES. Every employee organization shall keep an adequate record of its financial transactions. The employee organization must make available to all employees who are required to pay dues or representation fees under this chapter a financial report in the form of a balance sheet and an operating statement, certified as to accuracy by a certified public accountant, within sixty days after the end of its fiscal year. Additional details on which the financial report is based must be made available to an employee on request. If an employee organization fails to comply with this section, the employee may petition the commission for an order compelling compliance, which shall be enforceable in the same manner as other orders of the commission."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Anderson and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (098) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (098) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Cox moved the adoption of amendment (099):

"**Sec. 323.** RCW 42.30.030 and 1971 ex.s. c 250 s 3 are each amended to read as follows:

(1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

(2) All meetings of the employer and an exclusive bargaining representative relating to contract negotiations under chapter 41. RCW (sections 301 through 322 of this act) shall be open and public.

Sec. 324. RCW 42.30.140 and 1990 c 98 s 1 are each amended to read as follows:

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, except as provided in RCW 42.30.030(2) with respect to contract negotiations under chapter 41. RCW (sections 301 through 322 of this act), grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

NEW SECTION. **Sec. 325.** A new section is added to chapter 42.30 RCW to read as follows:

The office of financial management, or the governing body of an institution of higher education negotiating under section 302(4) of this act, must maintain mailing lists of persons who request notice of meetings that are open to the public under RCW 42.30.030(2). Persons on this list must be notified by mail or electronically of the first meeting related to the negotiation of a new or revised master collective bargaining agreement, or an addendum to a master collective bargaining agreement, under chapter 41. RCW (sections 301 through 322 of this act). The notice of the first meeting must include a telephone number or electronic mail address that the person receiving the notice may use to obtain updated information regarding further meetings."

Correct the title.

Representatives Cox, Mastin and Pflug spoke in favor of the adoption of the amendment.

Representatives Doumit and Cooper spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (099) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (099) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 51.

Representative Benson moved the adoption of amendment (110):

On page 80, after line 31, insert the following:

"NEW SECTION. Sec. 323. CONFLICT OF INTEREST--CONTRIBUTIONS TO CANDIDATES FOR GOVERNOR. (1) No exclusive bargaining representative certified to represent the employees of a bargaining unit under this chapter shall directly or indirectly pay or use, or offer, consent, or agree to pay or use any money or thing of value for or in aid of any candidate for the office of governor; nor for reimbursement or indemnification of any person for money or property so used.

(2) Any individual who violates any provision of this section, or who participates in, aids, abets, advises, or consents to any such violation, or who solicits or knowingly receives any money or thing of value in violation of this section, shall be guilty of a gross misdemeanor and shall be liable to the exclusive bargaining representative for the amount so contributed or received."

On page 82, line 30, strike "322" and insert "323"

On page 83, line 25, after "319," insert "323,"

Representatives Benson, Matson and Ballard spoke in favor of the adoption of the amendment.

Representatives Hunt and Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (110) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (110) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos,

Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Cairnes moved the adoption of amendment (114):

"NEW SECTION. Sec. 401. A new section is added to chapter 41.04 RCW to read as follows:

Each state agency and institution of higher education shall be provided a cost of living allocation sufficient to grant a 3.5 percent cost of living adjustment for the salaries, including mandatory salary-related benefits, of all employees of state agencies, and of all employees of institutions of higher education as reported in the higher education salary base reports submitted to the office of financial management, excluding those employees specified in RCW 28B.50.465 and 28B.50.468."

Renumber the sections consecutively and correct internal references accordingly.

On page 81, line 27, after "304;" strike "and"

On page 81, line 29, after "310" insert "; and
(6) Section 401 of this act"

Representatives Cairnes, Chandler, Sehlin, Mulliken, Cox, Pflug and Cairnes (again) spoke in favor of the adoption of the amendment.

Representatives Sommers, Romero and Doumit spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (114) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (114) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Chandler moved the adoption of amendment (100):

On page 81, line 22, after "s 1" strike all material through "310" on line 29

On page 81, after line 29, insert the following:

"NEW SECTION. Sec. 404. The following acts or part of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 41.56.023 (Application of chapter to employees of institutions of higher education) and 1993 c 379 s 301;

(2) RCW 41.56.201 (Employees of institutions of higher education -- Option to have relationship and obligations governed by chapter) and 2000 c 19 § 2; and

(3) RCW 28B.16.015 (Option to have relationship and obligations governed by chapter 41.56 RCW) and 1993 c 379 s 310."

Renumber the sections consecutively and correct internal references accordingly.

On page 83, line 27, after "(3)" strike all material through "take" and insert "Section 404 of this act takes"

On page 83, line 29, after "and" strike "404" and insert "405"

Representatives Chandler, Casada, Talcott, McMorris and Nixon spoke in favor of the adoption of the amendment.

Representatives Linville and Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (100) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (100) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Clements moved the adoption of amendment (101):

On page 83, after line 32, insert the following:

"**NEW SECTION. Sec. 413.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and laws adopted to facilitate its operation."

Correct the title.

Representatives Clements, McMorris and Benson spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMorris moved the adoption of amendment (112):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there is a significant benefit in providing government services through a competitive system in which both public and private entities participate. The legislature also finds that updating the state civil service system and improving the system's classification of jobs to more clearly distinguish between management and nonmanagement personnel are needed to bring the system into the twenty-first century.

It is the intent of the legislature that managed competition be implemented at the discretion of a state agency or institution of higher education as an additional management strategy or tool to maximize the effectiveness and efficiency of government services.

Sec. 2. RCW 41.06.020 and 1993 c 281 s 19 are each amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) "Board" means the Washington personnel resources board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words "board" or "boards" when used in RCW 41.06.070.

(3) "Business unit" means a team of employees, including supervisors, managers, and knowledgeable employees, who submit a bid under the managed competition process established in section 11 of this act.

(4) "Classified service" means all positions in the state service subject to the provisions of this chapter.

~~((4))~~(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

~~((5))~~(6) "Comparable worth" means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

~~((6))~~ (7) "Core service" means the service of an agency or institution of higher education determined to be core services under section 11 of this act.

(8) "Fully allocated cost" for the purposes of managed competition includes all direct personnel costs, materials and supplies, equipment, capital and equipment depreciation costs, rent, maintenance and repairs, utilities, insurance, travel, operations overhead, and general administrative overhead.

(9) "Managed competition" means the process established in section 11 of this act by which state employees compete with private entities for the provision of services, other than core services, traditionally provided by government.

(10) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required.

~~((7))~~(11) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

~~((8))~~(12) "Career development" means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

~~((9))~~(13) "Training" means activities designed to develop job-related knowledge and skills of employees.

~~((40))~~(14) "Director" means the director of personnel appointed under the provisions of RCW 41.06.130.

~~((44))~~(15) "Affirmative action" means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

~~((12))~~(16) "Institutions of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

~~((13))~~(17) "Related boards" means the state board for community and technical colleges; and such other boards, councils, and commissions related to higher education as may be established.

Sec. 3. RCW 41.06.030 and 1993 c 281 s 20 are each amended to read as follows:

A department of personnel (~~(, governed by the Washington personnel resources board and administered by a director of personnel,)~~) is hereby established as a separate agency within the state government.

Sec. 4. RCW 41.06.070 and 1998 c 245 s 40 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington state apple advertising commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of any commission formed under chapter 15.66 RCW;

(t) ~~((Officers and employees of the state wheat commission formed under chapter 15.63 RCW;~~

~~(u))~~ Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

~~((v))~~ (u) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

~~((w))~~ (v) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

~~((x))~~ (w) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

~~((y))~~ (x) All employees of the marine employees' commission;

~~((z))~~ (y) Up to a total of five senior staff positions of the western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit. This subsection (1)(z) shall expire on June 30, 1997;

~~((aa))~~ (y) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

~~((bb))~~ (z) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice-presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

~~(b) ((Student, part time, or temporary employees, and part time professional consultants, as defined by the Washington personnel resources board, employed by institutions of higher education and related boards;~~

~~((c))~~ The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

~~((d))~~ (c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the ~~((Washington personnel resources board))~~ director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the ~~((Washington personnel resources board))~~ director of personnel stating the reasons for requesting such exemptions. The ~~((Washington personnel resources board))~~ director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the ~~((board))~~ director of personnel determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the ~~((Washington personnel resources board))~~ director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of

additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through ~~((v), (y), (z),)~~ (u) and (x) and (2) of this section, shall be determined by the ~~(Washington personnel resources board)~~ director of personnel. However, beginning with changes proposed for the 1997-99 fiscal biennium, changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 5. RCW 41.06.110 and 1993 c 281 s 25 are each amended to read as follows:

(1) There is hereby created a Washington personnel resources board composed of three members appointed by the governor, subject to confirmation by the senate. The members of the personnel board serving June 30, 1993, shall be the members of the Washington personnel resources board, and they shall complete their terms as under the personnel board. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chair and vice-chair from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals ~~((until December 31, 1982))~~. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 6. RCW 41.06.150 and 1999 c 297 s 3 are each amended to read as follows:

The ~~((board))~~ director shall adopt rules, consistent with the purposes and provisions of this chapter ~~((, as now or hereafter amended,))~~ and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Certification of names for vacancies, including departmental promotions ~~((, with the number of names equal to six more names than there are vacancies to be filled, such names representing~~

applicants rated highest on eligibility lists: ~~PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified~~);

(3) Examinations for all positions in the competitive and noncompetitive service;

(4) Appointments;

(5) Training and career development;

(6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(7) Transfers;

(8) Sick leaves and vacations;

(9) Hours of work;

(10) Layoffs when necessary and subsequent reemployment(~~(, both according to seniority)~~);

(11) Collective bargaining, including:

(a) Determination of appropriate bargaining units within any agency(~~(: PROVIDED, That))~~.

In making such determination the ((board)) director shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees. Employees who are members of the Washington management service may not be included in a bargaining unit;

~~((12))~~ (b) Certification and decertification of exclusive bargaining representatives(~~(: PROVIDED, That))~~ subject to the following:

(i) After certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal(~~(: PROVIDED FURTHER, That))~~;

(ii) No more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment(~~(: PROVIDED FURTHER, That))~~;

(iii) For purposes of this ((clause)) subsection, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights(~~(: AND PROVIDED FURTHER, That in order))~~; and

(iv) To safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;

~~((13))~~ (c)(i) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion, except that collective negotiations are not permitted over wages or wage-related matters, management rights, or an agency's decision to purchase services by contract. A provision of a collective bargaining agreement that conflicts with a rule adopted under this chapter or a statute is invalid and unenforceable.

(ii) For the purposes of this subsection, "management rights" includes, in addition to all powers, duties, and rights established by constitutional provision or statute, at least the following:

(A) The functions and programs of the agency, the use of technology, and the structure of the organization;

(B) The agency's budget and the size of the agency work force, including determining the financial basis for layoffs;

(C) The right to direct and supervise employees; and

(D) The right to take whatever actions are deemed necessary to carry out the mission of the state and its agencies during emergencies;

~~((14))~~ (d) Authorization for written agreements ~~((may))~~ to contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization ~~((: PROVIDED, That))~~;

(e) Nothing contained ~~((herein))~~ in this chapter permits or grants to any employee the right to strike or refuse to perform his or her official duties;

~~((15))~~ (12) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The ~~((board))~~ director shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:

(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) ~~((through))~~ and (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

~~((16))~~ (13) Allocation and reallocation of positions within the classification plan;

~~((17))~~ (14) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

~~((18))~~ (15) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

~~((19))~~ (16) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

~~((20))~~ (17) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the ~~((board))~~ director,

the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

~~((21))~~ (18) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the ~~((board))~~ director may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

~~((22))~~ (19) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

~~((23))~~ (20) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The ~~((board))~~ director shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Sec. 7. RCW 41.06.152 and 1999 c 309 s 914 are each amended to read as follows:

(1) The board shall adopt only those job classification revisions, class studies, and salary adjustments under RCW 41.06.150~~((15))~~(12) that:

(a) Are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent; and

(b) Are such that the office of financial management has reviewed the agency's fiscal impact statement and has concurred that the agency can absorb the biennialized cost of the reclassification, class study, or salary adjustment within the agency's current authorized level of funding for the current fiscal biennium and subsequent fiscal biennia.

(2) In addition to reclassifications, class studies, and salary adjustments under subsection (1)(b) of this section, the board may approve other reclassifications, class studies, and salary adjustments that meet the requirements of subsection (1)(a) of this section and have been approved under the procedures established under this subsection.

Before the department of personnel's biennial budget request is due to the office of financial management, the board shall prioritize requests for reclassifications, class studies, and salary adjustments for the next fiscal biennium. The board shall prioritize according to such criteria as are developed by the board consistent with RCW 41.06.150~~((15))~~(12)(a).

The board shall submit the prioritized list to the governor's office and the fiscal committees of the house of representatives and senate at the same time the department of personnel's biennial budget request is submitted. The office of financial management shall review the biennial cost of each proposed salary adjustment on the board's prioritized list.

In the biennial appropriations acts, the legislature may establish a level of funding, from the state general fund and other accounts, to be applied by the board to the prioritized list. Upon enactment of the appropriations act, the board may approve reclassifications, class studies, and salary adjustments only to the extent that the total cost does not exceed the level of funding established in the appropriations acts and the board's actions are consistent with the priorities established in the list. The legislature may also specify or otherwise limit in the appropriations act the implementation dates for actions approved by the board under this section.

(3) When the board develops its priority list in the 1999-2001 biennium, for increases proposed for funding in the 2001-2003 biennium, the board shall give top priority to proposed increases to address documented recruitment and retention increases, and shall give lowest priority to proposed increases to recognize increased duties and responsibilities. When the board submits its prioritized list for the 2001-2003 biennium, the board shall also provide: A comparison of any differences between the salary increases recommended by the department of personnel staff and those adopted by the board; a review of any salary compression, inversion, or inequities that would result from implementing a recommended increase; and a complete description of the information relied upon by the board in adopting its proposals and priorities.

(4) This section does not apply to the higher education hospital special pay plan or to any adjustments to the classification plan under RCW 41.06.150~~((45))~~(12) that are due to emergent conditions. Emergent conditions are defined as emergency conditions requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare.

Sec. 8. RCW 41.06.160 and 1993 c 281 s 29 are each amended to read as follows:

~~(1) In preparing classification and salary schedules as set forth in RCW 41.06.150 ((as now or hereafter amended)), the department of personnel shall give full consideration to prevailing rates in other public employment and in private employment in this state. ((For this purpose)) The department shall ((undertake comprehensive salary and fringe benefit surveys, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. In the year prior to the convening of each one hundred five day regular session during which a comprehensive salary and fringe benefit survey is not conducted, the department shall plan and conduct a trend salary and fringe benefit survey. This survey shall measure average salary and fringe benefit movement for broad occupational groups which has occurred since the last comprehensive salary and fringe benefit survey was conducted. The results of each comprehensive and trend salary and fringe benefit survey)) use an appropriate mix of data gathered from surveys conducted by the department and from surveys conducted by other entities to determine the rate paid to the majority of workers. The majority rate results shall be ((completed and)) forwarded by September ((30)) 30th of each even-numbered year with a recommended state salary schedule to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. ((A copy of the data and supporting documentation shall be furnished by the department of personnel)) The information shall also be forwarded to the standing committees for appropriations of the senate and house of representatives.~~

~~((In the case of comprehensive salary and fringe benefit surveys, the department shall furnish the following supplementary data in support of its recommended salary schedule:~~

~~(1) A total dollar figure which reflects the recommended increase or decrease in state salaries as a direct result of the specific salary and fringe benefit survey that has been conducted and which is categorized to indicate what portion of the increase or decrease is represented by salary survey data and what portion is represented by fringe benefit survey data;~~

~~(2) An additional total dollar figure which reflects the impact of recommended increases or decreases to state salaries based on other factors rather than directly on prevailing rate data obtained through the survey process and which is categorized to indicate the sources of the requests for deviation from prevailing rates and the reasons for the changes;~~

~~(3) A list of class codes and titles indicating recommended monthly salary ranges for all state classes under the control of the department of personnel with those salary ranges which do not substantially conform to the prevailing rates developed from the salary and fringe benefit survey distinctly marked and an explanation of the reason for the deviation included;~~

~~(4) A supplemental salary schedule which indicates the additional salary to be paid state employees for hazardous duties or other considerations requiring extra compensation under specific circumstances. Additional compensation for these circumstances shall not be included in the basic salary schedule but shall be maintained as a separate pay schedule for purposes of full disclosure and visibility; and~~

~~(5) A supplemental salary schedule which indicates those cases where the board determines that prevailing rates do not provide similar salaries for positions that require or impose similar responsibilities, judgment, knowledge, skills, and working conditions. This supplementary salary schedule shall contain proposed salary adjustments necessary to eliminate any such dissimilarities in compensation. Additional compensation needed to eliminate such salary dissimilarities shall not be~~

~~included in the basic salary schedule but shall be maintained as a separate salary schedule for purposes of full disclosure and visibility.~~

~~It is the intention of the legislature that requests for funds to support recommendations for salary deviations from the prevailing rate survey data shall be kept to a minimum, and that the requests be fully documented when forwarded by the department of personnel.)~~

~~(2) Salary and fringe benefit survey information collected from private employers which identifies a specific employer with the salary and fringe benefit rates which that employer pays to its employees shall not be subject to public disclosure under chapter 42.17 RCW.~~

~~((The first comprehensive salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1986. The first trend salary and fringe benefit survey required by this section shall be completed and forwarded to the governor and the director of financial management by September 30, 1988.))~~

Sec. 9. RCW 41.06.167 and 1991 c 196 s 1 are each amended to read as follows:

The department of personnel shall undertake comprehensive compensation surveys for officers and entry-level officer candidates of the Washington state patrol, with such surveys to be conducted in the year prior to the convening of every other one hundred five day regular session of the state legislature. ~~((In the year prior to the convening of each one hundred five day regular session during which a comprehensive compensation survey is not conducted, the department shall conduct a trend compensation survey. This survey shall measure average compensation movement which has occurred since the last comprehensive compensation survey was conducted. The results of each comprehensive and trend survey shall be completed and forwarded by September 30th, after review and preparation of recommendations by the chief of the Washington state patrol, to the governor and director of financial management for their use in preparing budgets to be submitted to the succeeding legislature. A copy of the data and supporting documentation shall be furnished by the department of personnel to the legislative transportation committee and the standing committees for appropriations of the senate and house of representatives. The office of financial management shall analyze the survey results and conduct investigations which may be necessary to arbitrate differences between interested parties regarding the accuracy of collected survey data and the use of such data for salary adjustment.~~

~~Surveys conducted by the department of personnel for the Washington state patrol shall be undertaken in a manner consistent with statistically accurate sampling techniques, including comparisons of medians, base ranges, and weighted averages of salaries. The surveys shall compare competitive labor markets of law enforcement officers. This service performed by the department of personnel shall be on a reimbursable basis in accordance with the provisions of RCW 41.06.080.~~

~~A comprehensive compensation survey plan and the recommendations of the chief of the Washington state patrol shall be submitted jointly by the department of personnel and the Washington state patrol to the director of financial management, the legislative transportation committee, the committee on ways and means of the senate, and the committee on appropriations of the house of representatives six months before the beginning of each periodic survey.)~~

NEW SECTION. Sec. 10. A new section is added to chapter 41.06 RCW to read as follows:

(1) Any agency or institution of higher education may purchase services by contracting with individuals, nonprofit organizations, businesses, or other entities under the managed competition process established in section 11 of this act if:

(a) The service being contracted for is not a core service of the agency or institution of higher education;

(b) At least two private entities exist that provide the service being contracted for or at least two competitive bids for the service have been made by private entities to the state agency or institution of higher education; and

(c) The contract includes a provision directing a private entity that is awarded the contract to consider offering employment to state employees to perform the services under such a contract.

(2) The board shall adopt rules providing procedures for the department of personnel to assist a state employee to pursue another position in state service if awarding a contract to a private entity directly results in displacement of the employee.

(3) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on the effective date of this section is not effective beyond the expiration date of the agreement.

(4) This section and section 11 of this act do not apply to the purchase of services or to any contracting for services that was authorized by law prior to the effective date of this section.

NEW SECTION. Sec. 11. A new section is added to chapter 41.06 RCW to read as follows:

(1) Beginning with the budget submitted to the legislature for consideration during the 2003 regular legislative session, the governor shall include with the submittal a list of proposed core services for each agency and institution of higher education. In proposing core services, the head of the agency or institution must consider whether the public interest in having the service performed directly by state government outweighs the potential economic advantage of contracting for the service with a private entity. In assessing the public interest, the head of an agency or institution shall take into account:

(a) The consequences and potential mitigation of improper or failed performance by the contractor; and

(b) Whether performance of the contract involves the improper delegation of a policy-making function.

(2) The legislature may accept, reject, or modify the list of core services. If the legislature adopts by resolution a list of core services for any agency or institution of higher education, the agency or institution may develop a plan for implementing managed competition for some or all of the non-core services. The plan must be developed in consultation with the agency's or institution's joint employee-management committee under RCW 41.06.540.

(3) To implement managed competition for contracting for non-core services, an agency or institution of higher education must:

(a) Have a managed competition implementation plan approved by the office of financial management;

(b) Solicit bids or requests for proposals from private entities and business units of affected employees. At a minimum, the solicitation must include:

(i) Eligibility requirements and minimum qualifications of bidders;

(ii) Project scope of work, including expected outcomes and performance standards;

(iii) The term of the contract, but not longer than two years;

(iv) The maximum cost for the contract; and

(v) The bid evaluation process and evaluation criteria; and

(c) Give notice to potentially affected employees as follows:

(i) Employees must be notified at least ninety days prior to soliciting bids or proposals; and

(ii) If, within thirty days of receiving the notice, a group of employees informs the agency head of their desire to submit a bid through one or more business units established for the sole purpose of providing the services that are the subject of the request for bids, the agency head shall notify the office of financial management. The office of financial management shall provide the business unit or units with training on the bidding process within two weeks of notice and shall, if requested, provide adequate technical assistance in preparing a bid.

(4) The director of the office of financial management shall adopt rules to regarding procedures for managed competition. The rules shall include, but not be limited to:

(a) Requirements for soliciting bids or requests for proposals, including bidder eligibility and qualification requirements, scope of work, plans for management of the contract, methods of cost analysis, and performance standards addressing outcomes, service level, cost monitoring;

(b) Procedures for business units to suggest efficiencies through reengineering and/or organizational and management changes as part of a bid proposal;

(c) Processes for ensuring an objective and fair bid evaluation, including:

(i) Requiring business units to be subject to the same bidding requirements as private parties bidding on the contract, and prohibiting an award of a contract to a business unit unless the unit received no advantage over other bidders;

(ii) Comparing costs of bids, including a method for determining the fully allocated cost of a business unit. A business unit's bid price may not be less than its attributable fully allocated costs for performing the services. In comparing bid costs, costs must include transition costs and contract monitoring costs;

(iii) Prohibiting participation in a business unit's bid by any personnel who assisted in preparing a business unit's bid or who work in a business unit that has within its scope of responsibility the provision of any of the services to be contracted for; and

(iv) Providing a reasonable opportunity for private businesses and other business units to comment regarding the evaluation process and requiring consideration of these comments in making the final contract award;

(d) Performance guarantees for the winning bid, ensuring that the same terms, conditions, financial penalties, and performance measurements apply to both private entities and business units. Standards must include, at a minimum, outcomes, service level, and cost monitoring;

(e) Evaluation of and termination procedures for contracts awarded, including:

(i) Procedures for initiating cancellation of a contract if, in any financial quarter during the term of the contract, the contractor's or business unit's cost attributable to the service provided under the contract exceeds the contract price for that period;

(ii) Requirements for monitoring contract performance monthly and initiating corrective action if the service delivery does not meet the performance standards and, if deficiencies are not corrected within sixty days of notice being given, requirements for the agency or institution of higher education to initiate cancellation of the contract; and

(iii) Procedures for issuing new requests for bids for the service provided under a contract that has been cancelled;

(f) Procedures for assessing the contractor or a business unit to provide surety for either or both:

(i) The cost overruns identified for each financial quarter of the contract; and

(ii) The cost associated with the agency's or institution of higher education's need to mitigate a failure to meet the performance standards required by the contract;

(g) Requirements for sanctions, including prohibiting bids from contractors or business units for at least one contract round following cancellation of a contract with the contractor or business unit; and

(h) Procedures for crediting the agency's savings incentive account under RCW 43.79.460 with savings attributable to implementing a managed competition plan.

(5) The joint legislative audit and review committee shall undertake a cost-benefit analysis of agencies' and institutions of higher education's implementation of managed competition plans, and the contracts for non-core services entered into pursuant to the plans, and report to the governor and the appropriate committees of the legislature by December 1 of each even-numbered year.

(6) This section does not modify the personal liability of a state employee who is performing his or her official duties.

NEW SECTION. Sec. 12. A new section is added to chapter 41.06 RCW to read as follows:

The performance accountability account is created in the custody of the state treasury. All receipts from assessments made under rules adopted under section 11 of this act against business units as surety for contract cost overruns or cost of mitigating performance deficiencies shall be deposited into the account and may be expended only for recovery of such costs upon request of the head of the agency or institution of higher education. Only the director of the office of financial management may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 13. RCW 41.06.170 and 1993 c 281 s 31 are each amended to read as follows:

(1) The ((~~board or~~)) director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The ((~~board or~~)) director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the ((~~board~~)) director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal ((~~to the personnel appeals board created by RCW 41.64.010~~)) not later than thirty days after the effective date of such action to the personnel appeals board. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal ~~((to the personnel appeals board created by RCW 41.64.010))~~ not later than thirty days after the effective date of such action to the personnel appeals board.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board ~~((created by RCW 41.64.010)).~~ Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

Sec. 14. RCW 41.06.170 and 2002 c . . . s 10 (section 13 of this act) are each amended to read as follows:

(1) The director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through the employee's authorized representative, not later than thirty days after the effective date of such action to the Washington personnel ((appeals)) resources board. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing. The board or hearings officer will process an appeal, or a review of a hearings officer's recommended decision, if any, as quickly as is feasible to provide prompt resolution of the appeal.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal, either individually or through the employee's authorized representative, not later than thirty days after the effective date of such action to the Washington personnel ((appeals)) resources board.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the Washington personnel ((appeals)) resources board. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

(5) The board may consolidate two or more appeals when the cases present issues appropriate for joint resolution.

(6) A decision of the Washington personnel resources board under subsection (3) or (4) of this section is final and not subject to appeal.

NEW SECTION. Sec. 15. A new section is added to chapter 41.06 RCW to read as follows:

(1) The board may appoint, following consultation with employee organizations and employing agencies, one or more hearings officers to conduct hearings and make recommended decisions in accordance with rules adopted by the board. The hearings officer shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decision must be forthwith served upon the parties and transmitted to the board.

(2)(a) Within thirty days of service of the recommended decision of a hearings officer, any party adversely affected may request the board to review the recommended decision. The request for review must include a statement of the issues to which the party takes exception. The board's review is limited to the stated issues and the requesting party is deemed to have waived all objections or irregularities not specifically stated in the request. The requesting party must provide written argument in support of the exceptions and may, at the discretion of the board, provide oral argument. The board's decision is subject to section 17 of this act.

(b) If a request for review of a hearings officer's decision is not filed as required by this section, the recommended decision of the hearings officer shall be adopted by the board as the board's decision.

NEW SECTION. Sec. 16. A new section is added to chapter 41.06 RCW to read as follows:

(1) Hearings on appeals under this chapter shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing or in cases where

the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his or her employing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses, and give evidence before the board.

(2) Members of the board or the executive secretary may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on the refusal and, if the evidence warrants, punish the refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court.

(3) The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits, but the board may not be required to transcribe the record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge. However, payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

NEW SECTION. Sec. 17. A new section is added to chapter 41.06 RCW to read as follows:

(1) Within sixty days after the conclusion of an appeal hearing under this chapter, the board shall make and fully record in its permanent records the following: (a) Findings of fact; (b) conclusions of law when the construction of a rule, regulation, or statute is in question; (c) reasons for the action taken; and (d) the board's order based thereon. The order is final and not appealable to court, except as provided in section 18 of this act.

(2) The board shall simultaneously send a copy of the findings, conclusions, and order by certified mail to the employing agency and to the employee or the employee's designated representative.

NEW SECTION. Sec. 18. A new section is added to chapter 41.06 RCW to read as follows:

(1) Within thirty days after the mailing of a recorded order under section 16 of this act, the employee may appeal a decision and order of the board made under RCW 41.06.170(2) to the superior court of Thurston county on one or more of the grounds that the order was:

(a) Founded on or contained an error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) The grounds for appeal shall be stated in a written notice of appeal filed with the court, with copies thereof served on the director of personnel or a member of his or her staff or a member of the board and on the employing agency, all within the time stated.

(3) Within thirty days after service of a notice of appeal, or within such further time as the court may allow, the board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

NEW SECTION. Sec. 19. A new section is added to chapter 41.06 RCW to read as follows:

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the board, remand the matter for further proceedings before the board, or reverse or modify the order if it finds that the objection thereto is well taken on any of the grounds stated. Appellate review of the order of the superior court may be sought as in other civil cases.

Sec. 20. RCW 41.06.186 and 1993 c 281 s 32 are each amended to read as follows:

The (~~Washington personnel resources board~~) director shall adopt rules designed to terminate the state employment of any employee whose performance is so inadequate as to warrant termination.

Sec. 21. RCW 41.06.196 and 1993 c 281 s 33 are each amended to read as follows:

The (~~Washington personnel resources board~~) director shall adopt rules designed to remove from supervisory positions those supervisors who in violation of the rules adopted under RCW 41.06.186 have tolerated the continued employment of employees under their supervision whose performance has warranted termination from state employment.

Sec. 22. RCW 41.06.270 and 1979 c 151 s 61 are each amended to read as follows:

A disbursing officer shall not pay any employee holding a position covered by this chapter unless the employment is in accordance with this chapter or the rules, regulations and orders issued hereunder. The (~~board and the~~) directors of personnel and financial management shall jointly establish procedures for the certification of payrolls.

Sec. 23. RCW 41.06.350 and 1993 c 281 s 36 are each amended to read as follows:

The (~~Washington personnel resources board~~) director is authorized to receive federal funds now available or hereafter made available for the assistance and improvement of public personnel administration, which may be expended in addition to the department of personnel service fund established by RCW 41.06.280.

Sec. 24. RCW 41.06.400 and 1980 c 118 s 4 are each amended to read as follows:

(1) In addition to other powers and duties specified in this chapter, the (~~board~~) director shall, by rule, prescribe the purpose and minimum standards for training and career development programs and, in so doing, regularly consult with and consider the needs of individual agencies and employees.

(2) In addition to other powers and duties specified in this chapter, the director shall:

(a) Provide for the evaluation of training and career development programs and plans of agencies (~~(based on minimum standards established by the board)~~). The director shall report the results of such evaluations to the agency which is the subject of the evaluation;

(b) Provide training and career development programs which may be conducted more efficiently and economically on an interagency basis;

(c) Promote interagency sharing of resources for training and career development;

(d) Monitor and review the impact of training and career development programs to ensure that the responsibilities of the state to provide equal employment opportunities are diligently carried out. (~~(The director shall report to the board the impact of training and career development programs on the fulfillment of such responsibilities.)~~)

(3) At an agency's request, the director may provide training and career development programs for an agency's internal use which may be conducted more efficiently and economically by the department of personnel.

Sec. 25. RCW 41.06.410 and 1980 c 118 s 5 are each amended to read as follows:

Each agency subject to the provisions of this chapter shall:

(1) Prepare an employee training and career development plan which shall at least meet minimum standards established by the (~~board~~) director. A copy of such plan shall be submitted to the director for purposes of administering the provisions of RCW 41.06.400(2);

(2) Provide for training and career development for its employees in accordance with the agency plan;

(3) Report on its training and career development program operations and costs to the director in accordance with reporting procedures adopted by the (~~board~~) director;

(4) Budget for training and career development in accordance with procedures of the office of financial management.

Sec. 26. RCW 41.06.450 and 1993 c 281 s 37 are each amended to read as follows:

(1) (~~(By January 1, 1983, the Washington personnel resources board)~~) The director shall adopt rules applicable to each agency to ensure that information relating to employee misconduct or alleged misconduct is destroyed or maintained as follows:

(a) All such information determined to be false and all such information in situations where the employee has been fully exonerated of wrongdoing, shall be promptly destroyed;

(b) All such information having no reasonable bearing on the employee's job performance or on the efficient and effective management of the agency, shall be promptly destroyed;

(c) All other information shall be retained only so long as it has a reasonable bearing on the employee's job performance or on the efficient and effective management of the agency.

(2) Notwithstanding subsection (1) of this section, an agency may retain information relating to employee misconduct or alleged misconduct if:

(a) The employee requests that the information be retained; or

(b) The information is related to pending legal action or legal action may be reasonably expected to result.

(3) In adopting rules under this section, the (~~Washington personnel resources board~~) director shall consult with the public disclosure commission to ensure that the public policy of the state, as expressed in chapter 42.17 RCW, is adequately protected.

Sec. 27. RCW 41.06.475 and 1993 c 281 s 38 are each amended to read as follows:

The (~~Washington personnel resources board~~) director shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 28. RCW 41.06.490 and 1990 c 204 s 3 are each amended to read as follows:

(1) In addition to the rules adopted under RCW 41.06.150, the (~~board~~) director shall adopt rules establishing a state employee return-to-work program. The program shall, at a minimum:

(a) Direct each agency to adopt a return-to-work policy. The program shall allow each agency program to take into consideration the special nature of employment in the agency;

(b) Provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature;

(c) Allow opportunity for return-to-work state-wide when appropriate job classifications are not available in the agency that is the appointing authority at the time of injury;

(d) Require each agency to name an agency representative responsible for coordinating the return-to-work program of the agency;

(e) Provide that applicants receiving appointments for classified service receive an explanation of the return-to-work policy;

(f) Require training of supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; and

(g) Coordinate participation of applicable employee assistance programs, as appropriate.

(2) The agency full-time equivalents necessary to implement the return-to-work program established under this section shall be used only for the purposes of the return-to-work program and the net increase in full-time equivalents shall be temporary.

Sec. 29. RCW 41.06.500 and 1996 c 319 s 4 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted by the board for other employees, and to the extent that the rules adopted apply only to managers shall take precedence over rules adopted by the board, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system consistent with the policy set forth in RCW 41.06.150(~~(17)~~) (14). The system shall provide flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

Sec. 30. RCW 41.64.090 and 1993 c 281 s 41 are each amended to read as follows:

(1) The board shall have jurisdiction to decide appeals filed on or after July 1, 1981, and before July 1, 2003, of employees under the jurisdiction of the Washington personnel resources board pursuant to RCW 41.06.170(~~(, as now or hereafter amended)~~).

(2) The board shall have jurisdiction to decide appeals filed on or after July 1, 1993, and before July 1, 2003, of employees of institutions of higher education and related boards under the jurisdiction of the Washington personnel resources board pursuant to RCW 41.06.170. An appeal under this subsection by an employee of an institution of higher education or a related board shall be held in the county in which the institution is located or the county in which the person was employed when the appeal was filed.

Sec. 31. RCW 28B.12.060 and 1994 c 130 s 6 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013 except resident students defined in *RCW 28B.15.012(2)(e);

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the (~~Washington personnel resources board's~~) director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

(5) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries.

Sec. 32. RCW 34.05.030 and 1994 c 39 s 1 are each amended to read as follows:

(1) This chapter shall not apply to:

(a) The state militia, or

(b) The board of clemency and pardons, or

(c) The department of corrections or the indeterminate sentencing review board with respect to persons who are in their custody or are subject to the jurisdiction of those agencies.

(2) The provisions of RCW 34.05.410 through 34.05.598 shall not apply:

(a) To adjudicative proceedings of the board of industrial insurance appeals except as provided in RCW 7.68.110 and 51.48.131;

(b) Except for actions pursuant to chapter 46.29 RCW, to the denial, suspension, or revocation of a driver's license by the department of licensing;

(c) To the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals;

(d) To actions of the Washington personnel resources board(~~(-)~~) or the director of personnel(~~(-)~~ or the personnel appeals board); or

(e) To the extent they are inconsistent with any provisions of chapter 43.43 RCW.

(3) Unless a party makes an election for a formal hearing pursuant to RCW 82.03.140 or 82.03.190, RCW 34.05.410 through 34.05.598 do not apply to a review hearing conducted by the board of tax appeals.

(4) The rule-making provisions of this chapter do not apply to reimbursement unit values, fee schedules, arithmetic conversion factors, and similar arithmetic factors used to determine payment rates that apply to goods and services purchased under contract for clients eligible under chapter 74.09 RCW.

(5) All other agencies, whether or not formerly specifically excluded from the provisions of all or any part of the Administrative Procedure Act, shall be subject to the entire act.

Sec. 33. RCW 34.12.020 and 1995 c 331 s 1 are each amended to read as follows:

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

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth management hearings boards, the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, (~~the personnel appeals board,~~) and the board of tax appeals.

Sec. 34. RCW 41.04.340 and 1998 c 254 s 1 and 1998 c 116 s 2 are each reenacted and amended to read as follows:

(1) An attendance incentive program is established for all eligible employees. As used in this section the term "eligible employee" means any employee of the state, other than eligible employees of the community and technical colleges and the state board for community and technical colleges identified in RCW 28B.50.553, and teaching and research faculty at the state and regional universities and The Evergreen State College, entitled to accumulate sick leave and for whom accurate sick leave records have been maintained. No employee may receive compensation under this section for any portion of sick leave accumulated at a rate in excess of one day per month. The state and regional universities and The Evergreen State College shall maintain complete and accurate sick leave records for all teaching and research faculty.

(2) In January of the year following any year in which a minimum of sixty days of sick leave is accrued, and each January thereafter, any eligible employee may receive remuneration for unused sick leave accumulated in the previous year at a rate equal to one day's monetary compensation of the employee for each four full days of accrued sick leave in excess of sixty days. Sick leave for which compensation has been received shall be deducted from accrued sick leave at the rate of four days for every one day's monetary compensation.

(3) At the time of separation from state service due to retirement or death, an eligible employee or the employee's estate may elect to receive remuneration at a rate equal to one day's current monetary compensation of the employee for each four full days of accrued sick leave.

(4) Remuneration or benefits received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

(5) Except as provided in subsections (7) through (9) of this section for employees not covered by chapter 41.06 RCW, this section shall be administered, and rules shall be adopted to carry out its purposes, by the (~~Washington personnel resources board~~) director of personnel for persons subject to chapter 41.06 RCW: PROVIDED, That determination of classes of eligible employees shall be subject to approval by the office of financial management.

(6) Should the legislature revoke any remuneration or benefits granted under this section, no affected employee shall be entitled thereafter to receive such benefits as a matter of contractual right.

(7) In lieu of remuneration for unused sick leave at retirement as provided in subsection (3) of this section, an agency head or designee may with equivalent funds, provide eligible employees with a benefit plan that provides for reimbursement for medical expenses. This plan shall be implemented only after consultation with affected groups of employees. For eligible employees covered by chapter 41.06 RCW, procedures for the implementation of these plans shall be adopted by the (~~Washington personnel resources board~~) director of personnel. For eligible employees exempt from chapter 41.06 RCW, and classified employees who have opted out of coverage of chapter 41.06 RCW as provided in RCW 41.56.201, implementation procedures shall be adopted by an agency head having jurisdiction over the employees.

(8) Implementing procedures adopted by the (~~Washington personnel resources board~~) director of personnel or agency heads shall require that each medical expense plan authorized by subsection (7) of this section apply to all eligible employees in any one of the following groups: (a) Employees in an agency; (b) employees in a major organizational subdivision of an agency; (c) employees at a major operating location of an agency; (d) exempt employees under the jurisdiction of an elected or appointed Washington state executive; (e) employees of the Washington state senate; (f) employees of the Washington state house of representatives; (g) classified employees in a bargaining unit established by the Washington personnel resources board; or (h) other group of employees defined by an agency head that is not designed to provide an individual-employee choice regarding participation in a medical expense plan. However, medical expense plans for eligible employees in any of the groups under (a) through (h) of this subsection who are covered by a collective bargaining agreement shall be implemented only by written agreement with the bargaining unit's exclusive representative and a separate medical expense plan may be provided for unrepresented employees.

(9) Medical expense plans authorized by subsection (7) of this section must require as a condition of participation in the plan that employees in the group affected by the plan sign an agreement with the employer. The agreement must include a provision to hold the employer harmless should the United States government find that the employer or the employee is in debt to the United States as a result of the employee not paying income taxes due on the equivalent funds placed into the plan, or as a result of the employer not withholding or deducting a tax, assessment, or other payment

on the funds as required by federal law. The agreement must also include a provision that requires an eligible employee to forfeit remuneration under subsection (3) of this section if the employee belongs to a group that has been designated to participate in the medical expense plan permitted under this section and the employee refuses to execute the required agreement.

Sec. 35. RCW 41.50.804 and 1993 c 281 s 40 are each amended to read as follows:

Nothing contained in this chapter shall be construed to alter any existing collective bargaining agreement until any such agreement has expired or until any such bargaining unit has been modified by action of the (~~Washington personnel resources board~~) director of personnel as provided by law.

Sec. 36. RCW 43.06.425 and 1993 c 281 s 48 are each amended to read as follows:

The (~~Washington personnel resources board~~) director of personnel shall adopt rules to provide that:

- (1) Successful completion of an internship under RCW 43.06.420 shall be considered as employment experience at the level at which the intern was placed;
- (2) Persons leaving classified or exempt positions in state government in order to take an internship under RCW 43.06.420: (a) Have the right of reversion to the previous position at any time during the internship or upon completion of the internship; and (b) shall continue to receive all fringe benefits as if they had never left their classified or exempt positions;
- (3) Participants in the undergraduate internship program who were not public employees prior to accepting a position in the program receive sick leave allowances commensurate with other state employees;
- (4) Participants in the executive fellows program who were not public employees prior to accepting a position in the program receive sick and vacation leave allowances commensurate with other state employees.

Sec. 37. RCW 49.46.010 and 1997 c 203 s 3 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director;
- (3) "Employ" includes to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;
 - (b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;
 - (c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the (~~Washington personnel resources board pursuant to~~) director of personnel under chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;
 - (d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(7) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry.

Sec. 38. RCW 13.40.320 and 2001 c 137 s 1 are each amended to read as follows:

(1) The department of social and health services shall establish a medium security juvenile offender basic training camp program. This program for juvenile offenders serving a term of confinement under the supervision of the department is exempt from the licensing requirements of chapter 74.15 RCW.

(2) The department may contract under this chapter with private companies, the national guard, or other federal, state, or local agencies to operate the juvenile offender basic training camp(~~(notwithstanding the provisions of RCW 41.06.380)).~~

(3) The juvenile offender basic training camp shall be a structured and regimented model emphasizing the building up of an offender's self-esteem, confidence, and discipline. The juvenile offender basic training camp program shall provide participants with basic education, prevocational training, work-based learning, work experience, work ethic skills, conflict resolution counseling, substance abuse intervention, anger management counseling, and structured intensive physical training. The juvenile offender basic training camp program shall have a curriculum training and work schedule that incorporates a balanced assignment of these or other rehabilitation and training components for no less than sixteen hours per day, six days a week.

The department shall develop standards for the safe and effective operation of the juvenile offender basic training camp program, for an offender's successful program completion, and for the continued after-care supervision of offenders who have successfully completed the program.

(4) Offenders eligible for the juvenile offender basic training camp option shall be those with a disposition of not more than sixty-five weeks. Violent and sex offenders shall not be eligible for the juvenile offender basic training camp program.

(5) If the court determines that the offender is eligible for the juvenile offender basic training camp option, the court may recommend that the department place the offender in the program. The department shall evaluate the offender and may place the offender in the program. The evaluation shall include, at a minimum, a risk assessment developed by the department and designed to determine the offender's suitability for the program. No juvenile who is assessed as a high risk offender or suffers from any mental or physical problems that could endanger his or her health or drastically affect his or

her performance in the program shall be admitted to or retained in the juvenile offender basic training camp program.

(6) All juvenile offenders eligible for the juvenile offender basic training camp sentencing option shall spend one hundred twenty days of their disposition in a juvenile offender basic training camp. This period may be extended for up to forty days by the secretary if a juvenile offender requires additional time to successfully complete the basic training camp program. If the juvenile offender's activities while in the juvenile offender basic training camp are so disruptive to the juvenile offender basic training camp program, as determined by the secretary according to standards developed by the department, as to result in the removal of the juvenile offender from the juvenile offender basic training camp program, or if the offender cannot complete the juvenile offender basic training camp program due to medical problems, the secretary shall require that the offender be committed to a juvenile institution to serve the entire remainder of his or her disposition, less the amount of time already served in the juvenile offender basic training camp program.

(7) All offenders who successfully graduate from the juvenile offender basic training camp program shall spend the remainder of their disposition on parole in a juvenile rehabilitation administration intensive aftercare program in the local community. Violation of the conditions of parole is subject to sanctions specified in RCW 13.40.210(4). The program shall provide for the needs of the offender based on his or her progress in the aftercare program as indicated by ongoing assessment of those needs and progress. The intensive aftercare program shall monitor postprogram juvenile offenders and assist them to successfully reintegrate into the community. In addition, the program shall develop a process for closely monitoring and assessing public safety risks. The intensive aftercare program shall be designed and funded by the department of social and health services.

(8) The department shall also develop and maintain a data base to measure recidivism rates specific to this incarceration program. The data base shall maintain data on all juvenile offenders who complete the juvenile offender basic training camp program for a period of two years after they have completed the program. The data base shall also maintain data on the criminal activity, educational progress, and employment activities of all juvenile offenders who participated in the program.

Sec. 39. RCW 39.29.006 and 1998 c 101 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Agency" means any state office or activity of the executive and judicial branches of state government, including state agencies, departments, offices, divisions, boards, commissions, and educational, correctional, and other types of institutions.

(2) "Client services" means services provided directly to agency clients including, but not limited to, medical and dental services, employment and training programs, residential care, and subsidized housing.

(3) "Competitive solicitation" means a documented formal process providing an equal and open opportunity to qualified parties and culminating in a selection based on criteria which may include such factors as the consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of previous performance, and compliance with statutes and rules relating to contracts or services.

(4) "Consultant" means an independent individual or firm contracting with an agency to perform a service or render an opinion or recommendation according to the consultant's methods and without being subject to the control of the agency except as to the result of the work. The agency monitors progress under the contract and authorizes payment.

(5) "Emergency" means a set of unforeseen circumstances beyond the control of the agency that either:

(a) Present a real, immediate threat to the proper performance of essential functions; or

(b) May result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

(6) "Evidence of competition" means documentation demonstrating that the agency has solicited responses from multiple firms in selecting a consultant.

(7) "Personal service" means professional or technical expertise provided by a consultant to accomplish a specific study, project, task, or other work statement. This term does not include purchased services as defined under subsection (9) of this section. This term does include client services.

(8) "Personal service contract" means an agreement, or any amendment thereto, with a consultant for the rendering of personal services to the state which is consistent with ((RCW 41.06.380)) section 9 of this act.

(9) "Purchased services" means services provided by a vendor to accomplish routine, continuing and necessary functions. This term includes, but is not limited to, services acquired under RCW 43.19.190 or 43.105.041 for equipment maintenance and repair; operation of a physical plant; security; computer hardware and software maintenance; data entry; key punch services; and computer time-sharing, contract programming, and analysis.

(10) "Sole source" means a consultant providing professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The justification shall be based on either the uniqueness of the service or sole availability at the location required.

Sec. 40. RCW 47.46.040 and 2001 c 64 s 14 are each amended to read as follows:

(1) All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, ((RCW 41.06.380)) section 11 of this act, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

(2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

(3) Agreements shall provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement shall provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state shall lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

(4) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this chapter. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

(5) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

(6) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

(7) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the

private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

(8) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

(9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.

(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.

(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.

(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.

The agreement may require an advisory vote by users of and residents in the affected project area.

(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.

(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.

(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.

(11) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.

Sec. 41. RCW 72.09.100 and 1995 1st sp.s. c 19 s 33 are each amended to read as follows:

It is the intent of the legislature to vest in the department the power to provide for a comprehensive inmate work program and to remove statutory and other restrictions which have limited work programs in the past. For purposes of establishing such a comprehensive program, the legislature recommends that the department consider adopting any or all, or any variation of, the following classes of work programs:

(1) CLASS I: FREE VENTURE INDUSTRIES. The employer model industries in this class shall be operated and managed in total or in part by any profit or nonprofit organization pursuant to an agreement between the organization and the department. The organization shall produce goods or services for sale to both the public and private sector.

The customer model industries in this class shall be operated and managed by the department to provide Washington state manufacturers or businesses with products or services currently produced or provided by out-of-state or foreign suppliers. The correctional industries board of directors shall review these proposed industries before the department contracts to provide such products or services. The review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community and labor market.

The department of corrections shall supply appropriate security and custody services without charge to the participating firms.

Inmates who work in free venture industries shall do so at their own choice. They shall be paid a wage comparable to the wage paid for work of a similar nature in the locality in which the industry is located, as determined by the director of correctional industries. If the director cannot reasonably determine the comparable wage, then the pay shall not be less than the federal minimum wage.

An inmate who is employed in the class I program of correctional industries shall not be eligible for unemployment compensation benefits pursuant to any of the provisions of Title 50 RCW until released on parole or discharged.

(2) CLASS II: TAX REDUCTION INDUSTRIES. Industries in this class shall be state-owned and operated enterprises designed to reduce the costs for goods and services for tax-supported agencies and for nonprofit organizations. The industries selected for development within this class shall, as much as possible, match the available pool of inmate work skills and aptitudes with the work opportunities in the free community. The industries shall be closely patterned after private sector industries but with the objective of reducing public support costs rather than making a profit. The products and services of this industry, including purchased products and services necessary for a complete product line, may be sold to public agencies, to nonprofit organizations, and to private contractors when the goods purchased will be ultimately used by a public agency or a nonprofit organization. Clothing manufactured by an industry in this class may be donated to nonprofit organizations that provide clothing free of charge to low-income persons. Correctional industries products and services shall be reviewed by the correctional industries board of directors before offering such products and services for sale to private contractors. The board of directors shall conduct a yearly marketing review of the products and services offered under this subsection. Such review shall include an analysis of the potential impact of the proposed products and services on the Washington state business community. To avoid waste or spoilage and consequent loss to the state, when there is no public sector market for such goods, byproducts and surpluses of timber, agricultural, and animal husbandry enterprises may be sold to private persons, at private sale. Surplus byproducts and surpluses of timber, agricultural and animal husbandry enterprises that cannot be sold to public agencies or to private persons may be donated to nonprofit organizations. All sales of surplus products shall be carried out in accordance with rules prescribed by the secretary.

Security and custody services shall be provided without charge by the department of corrections.

Inmates working in this class of industries shall do so at their own choice and shall be paid for their work on a gratuity scale which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located and which is approved by the director of correctional industries.

Subject to approval of the correctional industries board, provisions of (~~RCW 41.06.380 prohibiting contracting out work performed by classified employees~~) section 11 of this act shall not apply to contracts with Washington state businesses entered into by the department of corrections through class II industries.

(3) CLASS III: INSTITUTIONAL SUPPORT INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to accomplish the following objectives:

(a) Whenever possible, to provide basic work training and experience so that the inmate will be able to qualify for better work both within correctional industries and the free community. It is not intended that an inmate's work within this class of industries should be his or her final and total work experience as an inmate.

(b) Whenever possible, to provide forty hours of work or work training per week.

(c) Whenever possible, to offset tax and other public support costs.

Supervising, management, and custody staff shall be employees of the department.

All able and eligible inmates who are assigned work and who are not working in other classes of industries shall work in this class.

Except for inmates who work in work training programs, inmates in this class shall be paid for their work in accordance with an inmate gratuity scale. The scale shall be adopted by the secretary of corrections.

(4) CLASS IV: COMMUNITY WORK INDUSTRIES. Industries in this class shall be operated by the department of corrections. They shall be designed and managed to provide services in the inmate's resident community at a reduced cost. The services shall be provided to public agencies, to persons who are poor or infirm, or to nonprofit organizations.

Inmates in this program shall reside in facilities owned by, contracted for, or licensed by the department of corrections. A unit of local government shall provide work supervision services without charge to the state and shall pay the inmate's wage.

The department of corrections shall reimburse participating units of local government for liability and workers compensation insurance costs.

Inmates who work in this class of industries shall do so at their own choice and shall receive a gratuity which shall not exceed the wage paid for work of a similar nature in the locality in which the industry is located.

(5) CLASS V: COMMUNITY SERVICE PROGRAMS. Programs in this class shall be subject to supervision by the department of corrections. The purpose of this class of industries is to enable an inmate, placed on community supervision, to work off all or part of a community service order as ordered by the sentencing court.

Employment shall be in a community service program operated by the state, local units of government, or a nonprofit agency.

To the extent that funds are specifically made available for such purposes, the department of corrections shall reimburse nonprofit agencies for workers compensation insurance costs.

Sec. 42. RCW 49.74.030 and 1993 c 281 s 58 are each amended to read as follows:

The commission in conjunction with the department of personnel or the state patrol, whichever is appropriate, shall attempt to resolve the noncompliance through conciliation. If an agreement is reached for the elimination of noncompliance, the agreement shall be reduced to writing and an order shall be issued by the commission setting forth the terms of the agreement. The noncomplying state agency, institution of higher education, or state patrol shall make a good faith effort to conciliate and make a full commitment to correct the noncompliance with any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW 41.06.150(~~((21))~~) (19) and 43.43.340(5), whichever is appropriate.

Sec. 43. RCW 49.74.040 and 1985 c 365 s 11 are each amended to read as follows:

If no agreement can be reached under RCW 49.74.030, the commission may refer the matter to the administrative law judge for hearing pursuant to RCW 49.60.250. If the administrative law judge finds that the state agency, institution of higher education, or state patrol has not made a good faith effort to correct the noncompliance, the administrative law judge shall order the state agency, institution of higher education, or state patrol to comply with this chapter. The administrative law judge may order any action that may be necessary to achieve compliance, provided such action is not inconsistent with the rules adopted under RCW (~~((28B.16.100(20),))~~) 41.06.150(~~((21),))~~) (19) and 43.43.340(5), whichever is appropriate.

An order by the administrative law judge may be appealed to superior court.

Sec. 44. RCW 72.10.030 and 1989 c 157 s 4 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents as may be necessary to provide basic medical care to inmates. ~~((The contracts shall not cause the termination of classified employees of the department rendering the services at the time the contract is executed.))~~

(2) In contracting for services, the secretary is authorized to provide for indemnification of health care practitioners who cannot obtain professional liability insurance through reasonable effort, from liability on any action, claim, or proceeding instituted against them arising out of the good faith performance or failure of performance of services on behalf of the department. The contracts may provide that for the purposes of chapter 4.92 RCW only, those health care practitioners with whom the department has contracted shall be considered state employees.

Sec. 45. RCW 82.01.070 and 1997 c 156 s 1 are each amended to read as follows:

The director shall have charge and general supervision of the department of revenue. The director shall appoint an assistant director for administration, hereinafter in chapter 26, Laws of 1967 ex. sess. referred to as the assistant director, and subject to the provisions of chapter 41.06 RCW may appoint and employ such clerical, technical and other personnel as may be necessary to carry out the powers and duties of the department. The director may also enter into personal service contracts with ~~((out of state))~~ individuals or business entities for the performance of auditing services ~~((outside the state of Washington when normal efforts to recruit classified employees are unsuccessful))~~. The director may agree to pay to the department's employees or contractors who reside out of state such amounts in addition to their ordinary rate of compensation as are necessary to defray the extra costs of facilities, living, and other costs reasonably related to the out-of-state services, subject to legislative appropriation for those purposes. The special allowances shall be in such amounts or at such rates as are approved by the office of financial management. This section does not apply to audit functions performed in states contiguous to the state of Washington.

NEW SECTION. Sec. 46. (1) All powers, duties, and functions of the personnel appeals board pertaining to appeals filed under RCW 41.06.170 on or after the effective date of this section are transferred to the Washington personnel resources board. All appeals filed under RCW 41.06.170 before the effective date of this section shall be resolved by the personnel appeals board in accordance with the authorities, rules, and procedures that were in effect at the time of the appeal.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of personnel pertaining to the powers, functions, and duties transferred in subsection (1) of this section shall be delivered to the custody of the Washington personnel resources board. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the personnel appeals board in carrying out the powers, functions, and duties transferred in subsection (1) of this section shall be made available to the Washington personnel resources board. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred in subsection (1) of this section shall be assigned to the Washington personnel resources board.

(3) Any appropriations made to the personnel appeals board for carrying out the powers, functions, and duties transferred in subsection (1) of this section shall, on the effective date of this section, be transferred and credited to the Washington personnel resources board.

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

(5) After the effective date of this section, the director of personnel and the executive secretary of the personnel appeals board shall meet and agree upon a schedule for the transfer of personnel appeals board employees and property to the Washington personnel resources board. Whenever a question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(6) The transfer of the powers, duties, functions, and personnel of the personnel appeals board under this section does not affect the validity of any act performed before the effective date of this

section. All existing contracts and obligations of the personnel appeals board shall remain in full force and shall be performed by the personnel appeals board.

NEW SECTION. Sec. 47. (1) The personnel appeals board is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington personnel resources board. All references to the executive secretary of the personnel appeals board or the personnel appeals board in the Revised Code of Washington shall be construed to mean the director of personnel or the Washington personnel resources board, respectively.

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

(b) Any appropriations made to the personnel appeals board shall, on the effective date of this section, be transferred and credited to the department of personnel.

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

(3) All employees of the personnel appeals board are transferred to the jurisdiction of the department of personnel. All employees classified under this chapter, the state civil service law, are assigned to the department of personnel to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the personnel appeals board shall be continued and acted upon by the Washington personnel resources board. All existing contracts and obligations shall remain in full force and shall be performed by the Washington personnel resources board.

(5) The transfer of the powers, duties, functions, and personnel of the personnel appeals board shall not affect the validity of any act performed before the effective date of this section.

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

NEW SECTION. Sec. 48. The following acts or parts of acts are each repealed:

(1) RCW 41.64.010 (Personnel appeals board--Created--Membership--Definitions) and 1981 c 311 s 1;

(2) RCW 41.64.020 (Removal of members--Hearing) and 1981 c 311 s 3;

(3) RCW 41.64.030 (Compensation of members--Travel expenses--Disclosure of financial affairs) and 1984 c 287 s 73, 1984 c 34 s 4, & 1981 c 311 s 4;

(4) RCW 41.64.040 (Election of chairperson--Biennial meetings) and 1981 c 311 s 5;

(5) RCW 41.64.050 (Executive secretary--Appointment of assistants) and 1981 c 311 s 6;

(6) RCW 41.64.060 (Location of principal office--Hearings--Procedure) and 1981 c 311 s 7;

(7) RCW 41.64.070 (Journal of official actions) and 1981 c 311 s 8;

(8) RCW 41.64.080 (Employee appeals--Hearings examiners) and 1981 c 311 s 9;

(9) RCW 41.64.090 (Employee appeals--Jurisdiction) and 1999 c . . . s 27 (section 27 of this act), 1993 c 281 s 41, & 1981 c 311 s 10;

(10) RCW 41.64.100 (Employee appeals--Hearing--Decision to be rendered within ninety days, exceptions) and 1997 c 386 s 43 & 1981 c 311 s 11;

(11) RCW 41.64.110 (Employee appeals--Hearing--Procedure--Official record) and 1985 c 461 s 7 & 1981 c 311 s 12;

(12) RCW 41.64.120 (Employee appeals--Findings of fact, conclusions of law, order--Notice to employee and employing agency) and 1981 c 311 s 13;

(13) RCW 41.64.130 (Employee appeals--Review by superior court--Grounds--Notice, service--Certified transcript) and 1981 c 311 s 14;

(14) RCW 41.64.140 (Employee appeals--Review by superior court--Procedure--Appellate review) and 1988 c 202 s 42 & 1981 c 311 s 15; and
(15) RCW 41.64.910 (Severability--1981 c 311) and 1981 c 311 s 24.

NEW SECTION. Sec. 49. The following acts or parts of acts are each repealed:

- (1) RCW 41.06.163 (Comprehensive salary and fringe benefit survey plan required--Contents) and 1993 c 281 s 30, 1987 c 185 s 9, 1986 c 158 s 6, 1979 c 151 s 59, & 1977 ex.s. c 152 s 3;
- (2) RCW 41.06.165 (Salary surveys--Criteria) and 1977 ex.s. c 152 s 4;
- (3) RCW 41.06.380 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 2; and
- (4) RCW 41.06.382 (Purchasing services by contract not prohibited--Limitations) and 1979 ex.s. c 46 s 1.

NEW SECTION. Sec. 50. Provisions of a collective bargaining agreement adopted under chapter 41.06 RCW that are in effect on the effective date of section 9 of this act and that conflict with section 5 or 9 of this act shall continue in effect until contract expiration, unless a superseding agreement resolving the conflict is executed by the parties before expiration; after expiration, any new agreement executed between the parties must be consistent with sections 5 and 9 of this act.

NEW SECTION. Sec. 51. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 52. (1) Sections 3, 5, 6, 9, 10, 17 through 28, 31 through 43, and 48 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2002.
(2) Sections 4, 11 through 16, and 44 of this act take effect July 1, 2003.
(3) Sections 29, 30, 45, and 47 of this act take effect July 1, 2004."

Correct the title.

EFFECT: Changes the civil service system and allows agencies to contract out for personal services. Eliminates the "Rule of 7" and the requirement that layoffs be by seniority. Members of the Washington Management Service may not participate in collective bargaining. The DOP is no longer required to conduct salary and fringe benefit surveys for employees other than the State Patrol. Eliminates the PAB and transfers authority to hear appeals to the WPRB. Civil service rulemaking authority is transferred from the WPRB to the DOP. Prohibits parties to collective bargaining to negotiate wages and the state's ability to contract out for services.

Representatives McMorris and Schmidt spoke in favor of the adoption of the amendment.

Representatives Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (112) to Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the adoption of amendment (112) to Substitute House Bill No. 1268, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 51.

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

Representatives Romero, Van Luven, Miloscia, Hunt, Linville, Kenney, Ogden, Campbell, Alexander, Quall and Romero (again) spoke in favor of passage of the bill.

Representatives Buck, Sehlin, Schmidt, Armstrong, Mastin, Esser, Anderson, Nixon, Benson, Skinner, Pflug, Ericksen and Jarrett spoke against the passage of the bill.

There being no objection, Representative Edwards was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1268.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1268 and the bill passed the House by the following vote: Yeas - 54, Nays - 43, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 43.

Excused: Representative Edwards - 1.

Substitute House Bill No. 1268, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 1268.

JEANNE EDWARDS, 1st District

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

INTRODUCTION & FIRST READING

HB 2956 by Representatives Cody, Campbell, Darneille, Schual-Berke, Skinner, Conway, Santos, Lysen, Ogden, Kenney and Linville

AN ACT Relating to improving the funding and quality of care in the state's long-term care system; amending RCW 74.39A.005; creating a new section; and making an appropriation.

Referred to Committee on Health Care.

HB 2957 by Representatives Clements and Schindler

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2958 by Representatives Grant, Nixon, Kessler, Roach, Linville, Morris, Reardon, Lisk, Bush and Lantz

AN ACT Relating to eliminating Washington estate taxes on estates with no federal tax liability; adding a new section to chapter 83.100 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Finance.

SB 5478 by Senators Franklin, Winsley, Prentice, Shin, Costa, Eide, T. Sheldon, Fairley, Jacobsen, Thibaudeau, B. Sheldon, Regala, Kline, Kohl-Welles, Spanel, McAuliffe, Fraser and Snyder

AN ACT Relating to lead-based paint activities; and creating new sections.

Referred to Committee on Health Care.

SB 6003 by Senators Morton, Hale, Sheahan, Hochstatter, Honeyford, Oke, Deccio, Benton, Stevens, Hewitt, Roach and Swecker

AN ACT Relating to clarification of exemption from commercial driver's license requirements for certain trucks hauling Christmas trees and wood products from private tree farms; and amending RCW 46.25.050.

Referred to Committee on Transportation.

SSB 6241 by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder)

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

Referred to Committee on Agriculture & Ecology.

SSB 6288 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

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

Referred to Committee on Criminal Justice & Corrections.

SB 6319 by Senator Fraser

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

Referred to Committee on Agriculture & Ecology.

SB 6417 by Senator Johnson

AN ACT Relating to the filing of wills in superior court; and amending RCW 11.20.050.

Referred to Committee on Judiciary.

SB 6427 by Senators B. Sheldon, Johnson, Gardner, Costa, McCaslin, Long and Winsley; by request of Governor Locke and Attorney General

AN ACT Relating to transferring statewide risk management functions from the department of general administration to the office of financial management; amending RCW 43.19.025, 43.19.1935, 43.19.1936, 43.19.19362, 43.19.19367, 43.19.19369, 4.92.006, 4.92.040, 4.92.100, 4.92.110, 4.92.130, 4.92.150, 4.92.160, 4.92.210, 4.92.220, 4.92.230, 4.92.240, 4.92.270, 39.59.010, 43.41.110, and 48.62.021; reenacting and amending RCW 43.19.1906; adding new sections to chapter 43.41 RCW; creating new sections; and recodifying RCW 43.19.1935, 43.19.1936, 43.19.19361, 43.19.19362, 43.19.19363, 43.19.19364, 43.19.19367, 43.19.19368, 43.19.19369, and 43.19.540.

Referred to Committee on State Government.

SB 6457 by Senators Carlson and Jacobsen

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

Referred to Committee on Commerce & Labor.

SSB 6461 by Senate Committee on Transportation (originally sponsored by Senators Gardner, Benton, Haugen, Horn, Jacobsen, Costa, Oke and Winsley)

AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.090, 46.25.100, and 46.25.120; adding new sections to chapter 46.25 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6578 by Senators B. Sheldon, Finkbeiner, Poulsen, Rossi and T. Sheldon

AN ACT Relating to leases for personal wireless communication facilities; and amending RCW 58.17.040.

Referred to Committee on Technology, Telecommunications & Energy.

SCR 8406 by Senators Shin, Rasmussen, Franklin, Roach, Prentice, McAuliffe, Regala, Fraser, Jacobsen and Gardner

Encouraging legislator trade mission participation.

Referred to Committee on Trade & Economic Development.

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

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

There being no objection, the House adjourned until 9:30 a.m., February 14, 2002, the 32nd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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HOUSE OF REPRESENTATIVES

Statement for the Journal: Representative Edwards 68

JOURNAL OF THE HOUSE

THIRTY FIRST DAY, FEBRUARY 13, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 14, 2002

The House was called to order at 9:30 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The Speaker assumed the chair.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Lundahl and Krystal Warren. Prayer was offered by Pastor Casey Treat, Christian Faith Center, Seattle.

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

MESSAGE FROM THE SENATE

February 13, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5104,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5162,
SUBSTITUTE SENATE BILL NO. 5209,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5670,
SENATE BILL NO. 6061,
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SENATE BILL NO. 6709,
SENATE JOINT MEMORIAL NO. 8005,
SENATE JOINT MEMORIAL NO. 8007,
ENGROSSED SENATE JOINT MEMORIAL NO. 8023,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 13, 2002

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5112,
SECOND SUBSTITUTE SENATE BILL NO. 5480,
SENATE BILL NO. 6066,
SUBSTITUTE SENATE BILL NO. 6267,
SENATE BILL NO. 6287,
ENGROSSED SENATE BILL NO. 6316,
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SENATE BILL NO. 6596,
SENATE BILL NO. 6626,
SENATE BILL NO. 6691,
ENGROSSED SENATE BILL NO. 6769,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 13, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5218,
SENATE BILL NO. 5999,
SECOND SUBSTITUTE SENATE BILL NO. 6080,
SENATE BILL NO. 6321,
SENATE BILL NO. 6324,
SENATE BILL NO. 6325,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6359,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SUBSTITUTE SENATE BILL NO. 5447,
SUBSTITUTE SENATE BILL NO. 6501,
SENATE BILL NO. 6508,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6535,
SUBSTITUTE SENATE BILL NO. 6548,
SENATE BILL NO. 6559,
SENATE BILL NO. 6571,
SENATE BILL NO. 6637,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6702,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6703,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

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

SECOND READING

HOUSE BILL NO. 2588, by Representatives Skinner and Cody

Modifying the information required on a prescription label.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

MOTIONS

On motion of Representative Woods, Representatives Alexander, Benson, Holmquist and Van Luven were excused. On motion of Representative Santos, Representatives Haigh, Hurst, Jackley, McIntire, Murray, Rockefeller, Sullivan and Upthegrove were excused.

The bill was placed on final passage.

Representatives Skinner and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2588.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2588 and the bill passed the House by the following vote: Yeas - 86, Nays - 0, Absent - 0, Excused - 12.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods and Mr. Speaker - 86.

Excused: Representatives Alexander, Benson, Haigh, Holmquist, Hurst, Jackley, McIntire, Murray, Rockefeller, Sullivan, Upthegrove and Van Luven - 12.

House Bill No. 2588, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2588.

STEVE VAN LUVEN, 48th District

HOUSE BILL NO. 2613, by Representatives Darneille and Cody; by request of Department of Health

Repealing state regulation of eye banks.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Darneille and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2613.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2613 and the bill passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Veloria, Wood, Woods and Mr. Speaker - 87.

Excused: Representatives Alexander, Benson, Haigh, Holmquist, Hurst, Jackley, McIntire, Murray, Sullivan, Upthegrove and Van Luven - 11.

House Bill No. 2613, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2613.

STEVE VAN LUVEN, 48th District

HOUSE BILL NO. 2673, by Representatives Cooper, Morell, Simpson, Chase, Ogden, Wood and McDermott

Regulating fire truck weight.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2673 was read the second time.

The bill was placed on final passage.

Representatives Cooper and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2673.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2673 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero,

Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 93.
Excused: Representatives Alexander, Benson, Haigh, Holmquist and Van Luven - 5.

Substitute House Bill No. 2673, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2613.

STEVE VAN LUVEN, 48th District

HOUSE BILL NO. 2753, by Representatives Hatfield, Hankins, Schindler, Cooper, Rockefeller and Edwards

Modifying department of licensing agent or subagent provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2753 was read the second time.

The bill was placed on final passage.

Representatives Hatfield and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2753.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2753 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Benson - 1.

Substitute House Bill No. 2753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2765, by Representatives Orcutt, Fromhold, Morell and McDermott

Providing a forest land owner sixty days to file a timber management plan with the assessor.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2765 was read the second time.

The bill was placed on final passage.

Representatives Orcutt and Doumit spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2765.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2765 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2767, by Representatives Orcutt, Tokuda, Darneille, Chase, Mielke and Boldt

Prohibiting use of public assistance electronic benefit cards for specified purposes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and Substitute House Bill No. 2767 was read the second time.

The bill was placed on final passage.

Representatives Orcutt and Tokuda spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2767.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2767 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2767, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2809, by Representatives Doumit, Chandler, Linville, Schoesler, Eickmeyer and Pearson

Concerning the application of pesticides in a forest environment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Doumit and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2809.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2809 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2809, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2892, by Representatives Clements, Linville, Grant, Lisk, Armstrong, Mulliken, Chandler, Holmquist, Schoesler, Hatfield and Ogden

Selling apples for fresh consumption.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Clements and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2892.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2892 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2892, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2550, by Representatives McIntire, Benson, Santos and Kenney; by request of Insurance Commissioner

Applying for a license or solicitation permit from the insurance commissioner.

The bill was read the second time.

The bill was placed on final passage.

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2550.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2550 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2550, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2551, by Representatives Romero, Schmidt, Miloscia and Haigh

Authorizing additional school district capital demonstration projects.

The bill was read the second time.

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

Representatives Romero and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2551.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2551 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2551, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2564, by Representatives Holmquist, Mulliken, Dunshee, Edwards, DeBolt, Sullivan, Mielke, Hatfield, Schindler, Berkey, Dunn, Crouse, Kirby, Boldt and Benson

Changing references in annexation procedures from "qualified electors" to "registered voters".

The bill was read the second time.

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

Representatives Holmquist and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2564.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2564 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2564, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative DeBolt congratulated Representative Holmquist on the passage of her first bill through the House and asked the Chamber to acknowledge her accomplishment.

The Speaker called upon Representative Ogden to preside.

HOUSE BILL NO. 2577, by Representatives Talcott, Haigh, Cox, Schindler, Pearson, Anderson, Carrell, Schmidt, Nixon, Morell, Casada, Esser, Benson, Holmquist, Miloscia, Mitchell, Mulliken, Quall, Woods, Campbell, Ogden and Upthegrove

Encouraging locally developed and implemented character education programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2577 was substituted for House Bill No. 2577 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2577 was read the second time.

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

Representatives Talcott, Haigh and Nixon spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2577.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2577 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2577, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2592, by Representatives Gombosky, Ahern, Eickmeyer, Clements, Grant, Dunn, Fromhold, Mulliken, Wood, Ogden, Linville, Hatfield and Conway

Revising community revitalization financing.

The bill was read the second time. There being no objection, Substitute House Bill No. 2592 was substituted for House Bill No. 2592 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2592 was read the second time.

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

Representatives Gombosky and Ahern spoke in favor of passage of the bill.

Representative Esser spoke against the passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2592.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2592 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Bush, Casada, Chandler, Cox, Crouse, Esser, Jarrett, Lisk, Pearson, Roach, Schindler and Schoesler - 13.

Substitute House Bill No. 2592, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2642, by Representatives Hurst and Haigh

Requiring volunteer fire fighters to notify their employers of their volunteer service.

The bill was read the second time.

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

Representatives Hurst and Clements spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2642.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2642 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2642, having received the necessary constitutional majority, was declared passed.

**HOUSE BILL NO. 2669, by Representatives Linville, Schoesler, Hunt, Chase and Wood
Including animal waste as a qualified alternative energy resource.**

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2669.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2669 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2669, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2838, by Representatives Hunt, Schmidt, Simpson, Schual-Berke, Morris, Lovick, Sullivan, Anderson, Esser, Conway, Tokuda, Kirby and Berkey

Prohibiting professional football blackouts.

The bill was read the second time.

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

Representatives Hunt, Schmidt, Sehlin, Morris, Reardon, Bush, Ruderman and Pflug spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2838.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2838 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Cox, Ericksen and Schoesler - 3.

House Bill No. 2838, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4018, by Representatives Veloria, Morell, Grant, Mastin, Chase, Clements, Hunt, Santos, Schoesler and Haigh

Petitioning to end restrictions on trade with Cuba.

The joint memorial was read the second time.

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

Representatives Veloria, Mastin, Grant, Schoesler, Morris, Clements, Van Luven, Cooper, Veloria (again), Cox, Santos and Sump spoke in favor of passage of the joint memorial.

Representatives Cairnes, Bush, Campbell, Pflug, Carrell, Talcott, Casada, Dunn, Bush (again) and Roach spoke against the passage of the joint memorial.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4018.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018 and the bill passed the House by the following vote: Yeas - 66, Nays - 32, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Ballasiotes, Barlean, Benson, Berkey, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, DeBolt, Delvin, Doumit, Dunn, Ericksen, Esser, Holmquist, Lisk, Mielke, Mitchell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Sehlin, Sommers and Talcott - 32.

House Joint Memorial No. 4018, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Joint Memorial No. 4018.

MARK DOUMIT, 19th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Joint Memorial No. 4018.

HELEN SOMMERS, 36th District

HOUSE JOINT RESOLUTION NO. 4220, by Representatives Dunshee and Mulliken

Amending the Constitution to restrict the number of years excess levies by fire protection districts can be made.

The joint resolution was read the second time.

There being no objection, amendment (025) was withdrawn.

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

Representatives Dunshee and Mulliken spoke in favor of passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of House Joint Resolution No. 4220.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4220 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Joint Resolution No. 4220, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2496, by Representatives Dunshee and Mulliken

Modifying fire protection district tax provisions.

The bill was read the second time.

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

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2496.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2496 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2496, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2328, by Representatives Romero, Dunshee, Miloscia, Ogden and Edwards

Limiting restrictions on residential day-care facilities.

The bill was read the second time.

Representative Clements moved the adoption of amendment (038):

On page 6, after line 6, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.15 RCW to read as follows: For purposes of determining whether the capacity of a child day-care center operated primarily for the children of parents who are employed on the premises has been reached, the department shall not count children of parents who are visiting the business, so long as the number of such children is no greater than five at any single point in time."

Correct the title.

Representatives Clements and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Romero, DeBolt and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2328.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2328 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler and Lisk - 2.

Engrossed House Bill No. 2328, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2325, by Representatives Wood, Schoesler, Gombosky, Kessler, Linville, Kagi and Esser

Providing for donation and distribution of food.

The bill was read the second time. There being no objection, Substitute House Bill No. 2325 was substituted for House Bill No. 2325 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2325 was read the second time.

Representative Wood moved the adoption of amendment (042):

On page 1, line 17, after "risk" insert ", to ensure that persons preparing food for and participating in community potluck meals are included within this authorization,"

Representatives Wood and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Wood moved the adoption of amendment (105):

On page 2, beginning on line 1, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 69.80 RCW to read as follows:

(1) Except as expressly prohibited by rule of the state board of health, a donor may donate food in either raw, cooked, processed, or prepared edible form, free of charge, to a distributing organization, including charitable nonprofit organizations, or to the public, for the purpose of serving needy people if the donor and recipient organization comply with health and safety guidelines developed by the state board of health.

(2) If a local board of health adopts a rule concerning charitable food donation more stringent than the state board of health food rule, the local board of health shall first provide notice to the public and written notice to cities, towns and counties within its jurisdiction prior to the public hearing to consider the rule. The local board of health shall also provide notice to known charitable organizations.

(3) The state board of health shall promulgate recommended health and safety guidelines for the donation, preparation, and distribution of free food for the purpose of this chapter.

(4) The health and safety guidelines promulgated for food shall address potlucks where the public is invited."

Representatives Wood and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Wood and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2325.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2325 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2325, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2498, by Representatives Fromhold, Dunn, Jarrett, Ogden, Lovick, Dunshee, Schmidt, Conway, Linville, Miloscia and Anderson

Establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances.

The bill was read the second time.

With the consent of the House, amendment (82) was withdrawn.

Representative Mastin moved the adoption of amendment (120):

On page 4, line 14, strike "or"

On page 4, line 20, after "corridor" insert "; or

(d) Is east of the cascade divide; and

(i) borders another state to the south; or

(ii) is located wholly south of Interstate 90 and borders the Columbia river to the east"

Representatives Mastin, Grant and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Fromhold, DeBolt, Dunshee and Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2498.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2498 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed House Bill No. 2498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2565, by Representatives Fromhold, Benson, Miloscia, Quall, Carrell, Eickmeyer, Morell, Barlean, Chase, Rockefeller, Lantz, Simpson, Kessler and Haigh

Requiring an opportunity for a cure before an action on a construction defect may be filed.

The bill was read the second time. There being no objection, Substitute House Bill No. 2565 was substituted for House Bill No. 2565 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2565 was read the second time.

Representative Fromhold moved the adoption of amendment (138):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds, declares, and determines that limited changes in the law are necessary and appropriate concerning actions claiming damages, indemnity, or contribution in connection with alleged construction defects. It is the intent of the legislature that this chapter apply to these types of civil actions while preserving adequate rights and remedies for property owners who bring and maintain such actions.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020(12) and a declarant as defined in RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

(7) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(8) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

NEW SECTION. Sec. 3. (1) In every construction defect action brought against a construction professional, the claimant shall, no later than forty-five days before filing an action, serve written notice of claim on the construction professional, by registered mail or personal service. The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect and the problems resulting from the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the claimant by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4)(a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a) of this section, the claimant shall

provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant, including a description of the additional construction that the construction professional has determined from the inspection will be necessary to remedy the defect described in the claim, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may, in accordance with this chapter, bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the proposal or offer by written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(5)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

(7) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if:

(a) The construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection (2)(a) or (5) of this section; or

(b) Notwithstanding the completion of the construction agreed upon, the claimant later discovers latent construction defects that the claimant attributes to the construction professional, but that were not discoverable by a reasonable person at the time of such completion. Any claimant who intends to bring an action for such latent construction defects may do so only after complying with the requirements of this section.

(8) Prior to commencing any action alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection (6) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim but not discoverable by a reasonable person at the time of the original claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling the statute of limitations. Claims for defects discovered after the commencement or recommencement of an action may be added

to such action only after complying with the requirements of this section with respect to such subsequently discovered defects.

NEW SECTION. Sec. 4. (1) In every action brought against a construction professional, the claimant, including a construction professional asserting a claim against another construction professional, shall file with the court and serve on the defendant a list of known construction defects in accordance with this section.

(2) The list of known construction defects shall contain a description of the construction that the claimant alleges to be defective. The list of known construction defects shall be filed with the court and served on the defendant within thirty days after the commencement of the action or within such longer period as the court in its discretion may allow.

(3) The list of known construction defects may be amended by the claimant to identify additional construction defects as they become known to the claimant.

(4) The list of known construction defects must specify, to the extent known to the claimant, the construction professional responsible for each alleged defect identified by the claimant.

(5) If a subcontractor or supplier is added as a party to an action under this section, the claimant making the claim against such subcontractor or supplier shall serve on the defendant the list of construction defects in accordance with this section within thirty days after service of the complaint against the subcontractor or supplier or within such period as the court in its discretion may allow.

NEW SECTION. Sec. 5. (1)(a) In the event the board of directors, pursuant to RCW 64.34.304(1)(d) or 64.38.020(4), institutes an action asserting defects in the construction of two or more residences, common elements, or common areas, this section shall apply. For purposes of this section, "action" has the same meaning as set forth in section 2 of this act.

(b) The board of directors shall substantially comply with the provisions of this section.

(2)(a) Prior to the service of the summons and complaint on any defendant with respect to an action governed by this section, the board of directors shall mail or deliver written notice of the commencement or anticipated commencement of such action to each homeowner at the last known address described in the association's records.

(b) The notice required by (a) of this subsection shall state a general description of the following:

(i) The nature of the action and the relief sought; and

(ii) The expenses and fees that the board of directors anticipates will be incurred in prosecuting the action.

(3) Nothing in this section may be construed to:

(a) Require the disclosure in the notice or the disclosure to a unit owner of attorney-client communications or other privileged communications;

(b) Permit the notice to serve as a basis for any person to assert the waiver of any applicable privilege or right of confidentiality resulting from, or to claim immunity in connection with, the disclosure of information in the notice; or

(c) Limit or impair the authority of the board of directors to contract for legal services, or limit or impair the ability to enforce such a contract for legal services.

NEW SECTION. Sec. 6. (1) The construction professional shall provide notice to each homeowner upon entering into a contract for sale, construction, or substantial remodel of a residence, for which the cost of the remodel exceeds half of the appraised value of the existing residence, of the construction professional's right to offer to cure construction defects before a homeowner may commence litigation against the construction professional. Such notice shall be conspicuous and may be included as part of the underlying contract signed by the homeowner. In the sale of a condominium unit, the requirement for delivery of such notice shall be deemed satisfied if contained in a public offering statement delivered in accordance with chapter 64.34 RCW.

(2) The notice required by this subsection shall be in substantially the following form:

CHAPTER 64.-- RCW (sections 1 through 7 of this act) CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT FOR DEFECTIVE CONSTRUCTION AGAINST THE SELLER OR BUILDER OF YOUR HOME. FORTY-FIVE DAYS BEFORE YOU FILE YOUR LAWSUIT,

YOU MUST DELIVER TO THE SELLER OR BUILDER A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE AND PROVIDE YOUR SELLER OR BUILDER THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY THE BUILDER OR SELLER. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT.

(3) This chapter shall not preclude or bar any action if notice is not given to the homeowner as required by this section.

NEW SECTION. **Sec. 7.** Nothing in this chapter shall be construed to hinder or otherwise affect the employment, agency, or contractual relationship between and among homeowners and construction professionals during the process of construction or remodeling and does not preclude the termination of those relationships as allowed under current law. Nothing in this chapter shall negate or otherwise restrict a construction professional's right to access or inspection provided by law, covenant, easement, or contract.

NEW SECTION. **Sec. 8.** A new section is added to chapter 4.16 RCW to read as follows:
If a written notice of claim is served under section 3 of this act within the time prescribed for the filing of an action under this chapter, all statutes of limitation and statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under section 3 of this act.

Sec. 9. RCW 64.34.410 and 1997 c 400 s 1 are each amended to read as follows:

- (1) A public offering statement shall contain the following information:
 - (a) The name and address of the condominium;
 - (b) The name and address of the declarant;
 - (c) The name and address of the management company, if any;
 - (d) The relationship of the management company to the declarant, if any;
 - (e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
 - (f) The nature of the interest being offered for sale;
 - (g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;
 - (h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;
 - (i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;
 - (j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;
 - (k) A list of the limited common elements assigned to the units being offered for sale;
 - (l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;
 - (m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;
 - (n) The status of construction of the units and common elements, including estimated dates of completion if not completed;
 - (o) The estimated current common expense liability for the units being offered;

- (p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;
- (q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;
- (r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;
- (s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;
- (t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;
- (u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;
- (v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;
- (w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;
- (x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);
- (y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;
- (z) A brief description of any construction warranties to be provided to the purchaser;
- (aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;
- (bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;
- (cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;
- (dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;
- (ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;
- (ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);
- (gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;
- (hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;
- (ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;
- (jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; ~~(and)~~

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and

(ll) A notice that is substantially in the form required by section 6 of this act.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), ~~((and))~~ (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 10. RCW 64.34.452 and 1990 c 166 s 14 are each amended to read as follows:

(1) A judicial proceeding for breach of any obligations arising under RCW 64.34.443 and 64.34.445 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such period may not be reduced by either oral or written agreement.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under section 3 of this act within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under section 3 of this act.

NEW SECTION. **Sec. 11.** Sections 1 through 7 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Representative Fromhold spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Fromhold, Cairnes and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Lysen - 1.

Engrossed Substitute House Bill No. 2565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2574, by Representatives Ogden, Dunn, Tokuda, Hankins, O'Brien, Jarrett, Fromhold, Santos, Schual-Berke and Kenney

Establishing a demonstration site for a statewide children's system of care.

The bill was read the second time. There being no objection, Substitute House Bill No. 2574 was substituted for House Bill No. 2574 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2574 was read the second time.

Representative Tokuda moved the adoption of amendment (127):

On page 1, line 13, after "administrator" strike "must" and insert "may"

On page 2, line 36, after "contract" insert "or memorandum of understanding"

On page 3, line 21, after "The" strike "evaluating entity" and insert "demonstration site"

Representatives Tokuda and Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Ogden moved the adoption of amendment (080):

On page 3, on line 3 beginning with "The" strike all material through line 8 and insert "It is the expectation of the legislature that local school districts shall collaborate with each children's system of care demonstration site established under section 1 of this act."

Representatives Ogden and Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Ogden and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2574.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2574 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2574, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1460, by Representatives Lovick, Jarrett, Hurst, Jackley, Cooper, Fisher, Edmonds, Morell, Ahern, Ogden, Simpson, O'Brien, Darneille, Kagi and Ruderman

Enforcing seat belt laws as a primary action.

The bill was read the second time.

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

Representatives Lovick, Jarrett, Schual-Berke, Hurst, Carrell, Morris, Lysen, Simpson, Dunshee and Miloscia spoke in favor of passage of the bill.

Representative DeBolt, Nixon, Sump, Clements, Cairnes, Roach and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1460.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1460 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Ballasiotes, Barlean, Benson, Berkey, Carrell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Haigh, Hankins, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Veloria, Woods and Mr. Speaker - 54.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Boldt, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Ericksen, Esser, Grant, Hatfield, Holmquist, Kessler, Kirby, Lisk, Mastin, McMorris, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Romero, Ruderman, Schindler, Schoesler, Skinner, Sump, Upthegrove, Van Luven and Wood - 44.

House Bill No. 1460, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives McDermott, O'Brien, Darneille, Ruderman, Murray, Schual-Berke, Romero, Conway, Poulsen and Santos; by request of Governor Locke

Authorizing an exceptional sentence when a crime is motivated by hate.

The bill was read the second time. There being no objection, Substitute House Bill No. 1663 was substituted for House Bill No. 1663 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1663 was read the second time.

With the consent of the House, amendment (045) was withdrawn.

Representative Morell moved the adoption of amendment (104):

On page 4, after line 31, insert:

"(n) The current offense involved knowingly and maliciously making a false statement punishable under RCW 9A.76.175 accusing another person of committing an offense because of the person's perception of the alleged victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap."

Representatives Morell and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives O'Brien and McDermott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1663 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Bush, Crouse, Dunn, Pflug and Schindler - 6.

Engrossed Substitute House Bill No. 1663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2425, by Representatives Doumit, Dunn, Hatfield, Voloria, Conway, Ogden, Rockefeller, Linville, Lantz, Kagi, McIntire, Haigh, Wood, Kessler, Kenney, Simpson, Jackley and Fromhold; by request of Governor Locke

Funding the community economic revitalization board.

The bill was read the second time.

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

Representatives Doumit, DeBolt, Dunn and McIntire spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2425.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2425 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Dickerson, Kagi, Lysen and Sommers - 4.

House Bill No. 2425, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2355, by Representatives Kagi, Conway, Clements, Dickerson, McIntire and Wood

Modifying unemployment compensation payable to individuals who took family and medical leave.

The bill was read the second time. There being no objection, Substitute House Bill No. 2355 was substituted for House Bill No. 2355 and the substitute bill was placed on the second reading calendar.

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

Representative Kagi spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2355.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2355 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Chandler, Crouse, Holmquist, Lisk, Mulliken and Schindler - 6.

Substitute House Bill No. 2355, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2362, and the bill held its place on the Second Reading calendar.

HOUSE BILL NO. 2356, by Representatives Kagi, McIntire, Santos, Dickerson, Tokuda, Darneille, Clements, Schual-Berke and Wood

Requiring school age children in foster care to attend the same school after placement in foster care.

The bill was read the second time. There being no objection, Substitute House Bill No. 2356 was substituted for House Bill No. 2356 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2356 was read the second time.

Representative Talcott moved the adoption of amendment (149):

On page 2, after line 15, insert the following:

"NEW SECTION. Sec. 2. (1) The Nooksack Valley and Mount Vernon school districts shall implement a pilot project within existing resources to assist school age children in foster care fewer than seventy-five days to continue attending the school where they were enrolled before entering foster care. The pilot project shall be implemented as provided in this section no later than March 30, 2002 and shall conclude June 30, 2003. Data from the pilot project shall be compiled and submitted to the working group established in section 1 of this act no later than July 30, 2002, and periodically thereafter.

(2) A school age child who enters foster care on or after March 30, 2002, shall, unless it is determined to be not in the best interest of the child, continue attending the school where she or he was enrolled before entering foster care, notwithstanding the physical location of the child's principal abode. The best interest of the child determination shall be made at the seventy-two hour shelter care hearing, and reviewed at any subsequent shelter care hearing.

(3) The department of social and health services, the school the child was attending prior to entering foster care, and the school that serves the child's foster home shall negotiate a plan for transporting the child to the school the child was attending prior to entering foster care.

(4) If the department of social and health services places a child in foster care, and the child does not continue to attend the school the child was attending prior to entering foster care, the department shall notify the school about the change.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Talcott and Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Kagi, Boldt and McIntire spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2356.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2356 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2427, by Representatives Conway, O'Brien, Cody, Dickerson, Ogden, Cooper, Berkey, Reardon, Voloria, Hurst, Hunt, Kirby, Upthegrove, Romero, Kagi, McIntire, Haigh, Wood, Kenney, Simpson and Sullivan; by request of Department of Labor & Industries

Establishing occupational safety and health impact grants.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2427 was substituted for House Bill No. 2427 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2427 was read the second time.

Representative Clements moved the adoption of amendment (134):

On page 1, beginning on line 13, after "act" strike ", or in an appropriation clause in a bill,"

On page 6, after line 4, insert the following:

"NEW SECTION. **Sec. 8.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void."

Representative Clements spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Clements moved the adoption of amendment (135):

On page 2, line 12, strike "or"

On page 2, line 13, after "control" strike "." and insert "; or"

On page 2, after line 13, insert the following:

"(d) Grants to provide greater awareness of the causes and prevention approaches to musculoskeletal disorders through providing educational materials, developing ergonomics education and training programs, or identifying technical approaches and best practices to assist in preventing workplace injuries and illnesses."

On page 5, line 25, after "**Sec. 5.**" insert "(1)"

On page 5, after line 30, insert the following:

"(2) In addition, the committee shall review the results of any grants awarded under section 1(2)(d) of this act relating to providing greater awareness of the causes and prevention approaches to musculoskeletal disorders. The committee shall issue a report to the appropriate policy and fiscal committees of the legislature by December 31, 2007.

NEW SECTION. **Sec. 6.** The legislature directs that rules dealing with musculoskeletal disorders, adopted on May 26, 2000, by the director, and codified as WAC 296-62-05101 through 296-

62-05176, or any new or amended rules dealing with musculoskeletal disorders that are substantially the same as these rules shall have no force or effect until the WISHA advisory committee issues the report required under section 5(2) of this act and until the legislature has reviewed and by resolution approved the report."

Renumber remaining sections consecutively and correct title and internal references accordingly.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (135) to Second Substitute House Bill No. 2427.

SPEAKER'S RULING

Mr. Speaker: "Second Substitute House Bill No. 2427 is an act "relating to occupational and safety health impacts grants". The bill establishes an occupational and safety health impact grant program and authorizes grants for education, training, technical innovation and application of hazard controls.

Amendment (135), in part, relates to the grant program established in the bill. Section 6, however, attempts to suspend rules related to musculoskeletal disorders until reviewed by a WISHA advisory committee and approved by the Legislature. This requirement goes beyond the scope and object of the bill.

"Representative Hatfield , your point of order is well taken."

Representative Clements moved the adoption of amendment (136):

On page 2, after line 13, insert the following:

"(3) The department shall ensure that not less than fifty percent of available grant funds are used for grants to provide greater awareness of the causes and prevention approaches to musculoskeletal disorders through providing educational materials, developing ergonomics education and training programs, or identifying technical approaches and best practices to assist in preventing workplace injuries and illnesses."

Renumber remaining subsections consecutively and correct internal references accordingly.

On page 5, line 25, after "**Sec. 5.**" insert "(1)"

On page 5, after line 30, insert the following:

"(2) In addition, the committee shall review the results of grants awarded under section 1(3) of this act relating to providing greater awareness of the causes and prevention approaches to musculoskeletal disorders. The committee shall issue a report to the appropriate policy and fiscal committees of the legislature on December 31, 2007.

NEW SECTION. **Sec. 6.** The legislature directs that rules dealing with musculoskeletal disorders, adopted on May 26, 2000, by the director, and codified as WAC 296-62-05101 through 296-62-05176, or any new or amended rules dealing with musculoskeletal disorders that are substantially the same as these rules shall have no force or effect until the WISHA advisory committee issues the report required under section 5(2) of this act and until the legislature has reviewed and by resolution approved the report."

Renumber remaining sections consecutively and correct and internal references accordingly.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (135) to Second Substitute House Bill No. 2724.

SPEAKER'S RULING

Mr. Speaker: "For the same reasons stated in the Speaker's ruling on amendment (136), amendment (135) is also beyond the scope and object of the bill.
Representative Hatfield , your point of order is well taken."

Representative Sommers moved the adoption of amendment (137):

On page 6, after line 4, insert the following:

"NEW SECTION. Sec. 8. The sum of five million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 2003, from the medical aid account--state appropriation to the department of labor and industries to carry out the purposes of this act. Only medical aid account funds in excess of actuarial needs may be appropriated."

Correct the title.

Representative Sommers spoke in favor of the adoption of the amendment.

Representative Clements spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Conway, Wood and Conway (again) spoke in favor of passage of the bill.

Representatives Schoesler, Chandler and Clements spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2427.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2427 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Benson, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Hankins, Hatfield, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell,

Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 44.

Engrossed Second Substitute House Bill No. 2427, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2663, by Representatives Conway, Clements, Cooper, Reardon, Sullivan, Delvin, Simpson, Armstrong, Hankins, Benson, Cairnes, Lysen, Kirby, Edwards, Chase, Kenney, Campbell, Barlean, Santos, Talcott, Wood and Rockefeller

Changing conditions that are presumed to be occupational diseases of fire fighters.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2663 was substituted for House Bill No. 2663 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2663 was read the second time.

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

Representatives Conway, Clements, Cooper and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2663.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2663 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 98.

Second Substitute House Bill No. 2663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1279, by Representatives Simpson, Cairnes, Santos, Kenney and McIntire

Recognizing a state day of peace.

The bill was read the second time.

There being no objection, amendment (150) was withdrawn.

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

Representatives Simpson and Cairnes spoke in favor of passage of the bill.

MOTION

On motion of Representative Woods, Representative Ballasiotes was excused.

The Speaker stated the question before the House to be the final passage of House Bill No. 1279.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1279 and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 77.

Voting nay: Representatives Anderson, Ballard, Boldt, Carrell, Chandler, Cox, Crouse, Delvin, Ericksen, Holmquist, Lisk, McMorris, Mielke, Mulliken, Orcutt, Pflug, Schindler, Schoesler, Sump and Talcott - 20.

Excused: Representative Ballasiotes - 1.

House Bill No. 1279, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 1279.

JIM DUNN, 17th District

HOUSE BILL NO. 1517, by Representatives Miloscia, Anderson, Dunshee, Jarrett, Hunt, Keiser, Lambert, Ruderman, Rockefeller, Fromhold, Schindler, Boldt, Kenney, Simpson, Barlean, Tokuda and Dickerson

Establishing quality management programs.

The bill was read the second time. There being no objection, Third Substitute House Bill No. 1517 was substituted for House Bill No. 1517 and the third substitute bill was placed on the second reading calendar.

Third Substitute House Bill No. 1517 was read the second time.

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

Representatives Miloscia and Anderson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Third Substitute House Bill No. 1517.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 1517 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes -1.

Third Substitute House Bill No. 1517, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1640, by Representatives Miloscia, Dunn, Casada, Conway and Santos

Providing for expanded employment opportunities for people with disabilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1640 was substituted for House Bill No. 1640 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1640 was read the second time.

The Speaker announced that House Bill No. 1640 was co-prime sponsored by Representatives Miloscia and Dunn.

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

Representatives Miloscia and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1640.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1640 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 1640, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2311, by Representatives Doumit, Sump, Jackley, Rockefeller, Kessler, Eickmeyer, Hatfield, Delvin, Buck, Linville, Upthegrove, Ericksen and Cairnes

Changing provisions relating to small forest landowners.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2311 was substituted for House Bill No. 2311 and the Second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2311 was read the second time.

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

Representatives Doumit and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2311.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2311 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Second Substitute House Bill No. 2311, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2336, by Representatives McMorris, Rockefeller, Romero and Schmidt; by request of Secretary of State

Modifying the administration of elections.

The bill was read the second time.

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

Representatives McMorris and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2336.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2336 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2336, having received the necessary constitutional majority, was declared passed.

There being no objection, the House deferred action on House Bill No. 2362 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2365, by Representatives Cooper, Benson, Bush, Anderson, Mulliken, Delvin, Alexander, Talcott, Esser and Pearson; by request of State Treasurer and Superintendent of Public Instruction

Increasing the size of the state investment board.

The bill was read the second time.

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

Representatives Cooper and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2365.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2365 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins,

Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Doumit and Sommers - 2.

Excused: Representative Ballasiotes - 1.

House Bill No. 2365, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2379, by Representatives Dickerson, O'Brien, Tokuda, Veloria, Darneille, Chase, Kirby and Lovick

Making it a crime to leave a child with a sex offender.

The bill was read the second time. There being no objection, Substitute House Bill No. 2379 was substituted for House Bill No. 2379 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2379 was read the second time.

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

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2379.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2379 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2379, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2382, by Representatives Dickerson, O'Brien, Kagi, Darneille and Chase

Revising provisions relating to criminal mistreatment.

The bill was read the second time. There being no objection, Substitute House Bill No. 2382 was substituted for House Bill No. 2382 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2382 was read the second time.

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

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2382.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2382, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2412, by Representatives Fromhold, Lisk, Doumit, Chandler, Grant, Hankins, Hatfield and Delvin

Determining ballast water treatment methods for the Columbia river system.

The bill was read the second time. There being no objection, Substitute House Bill No. 2412 was substituted for House Bill No. 2412 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2412 was read the second time.

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

Representative Fromhold spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2412.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2412 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2412, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2407, by Representatives Ballasiotes, O'Brien, Lovick, Hurst, Woods, Kagi and Haigh

Establishing the authority to create and operate regional jails.

The bill was read the second time.

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

There being no objection, the House deferred action on House Bill No. 2407 and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2448, by Representatives Quall, Talcott, Haigh and Cox

Authorizing access to school meal programs and kitchen facilities.

The bill was read the second time.

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

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2448.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2448 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell,

Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2448, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2453, by Representatives Bush, Haigh, Schmidt, Simpson, Conway, Reardon, Mielke, Wood, Talcott, Miloscia, Cairnes, McIntire, Campbell, Orcutt, Pflug, Cooper, Nixon, Jackley, Ahern, Rockefeller, Van Luven, Esser, Ogden and Woods

Protecting veterans' records.

The bill was read the second time. There being no objection, Substitute House Bill No. 2453 was substituted for House Bill No. 2453 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2453 was read the second time.

Representative Bush moved the adoption of amendment (132):

On page 9, after line 15, insert the following:

"NEW SECTION. **Sec. 2.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Bush and Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Bush and Simpson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2453.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2453 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Engrossed Substitute House Bill No. 2453, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2468, by Representatives Miloscia, O'Brien and Wood; by request of Governor Locke

Facilitating the convicted offender DNA data base.

The bill was read the second time. There being no objection, Substitute House Bill No. 2468 was substituted for House Bill No. 2468 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2468 was read the second time.

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

Representatives Miloscia and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2468.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2468 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2468, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2471, by Representatives Esser, Lantz and Casada; by request of Administrator for the Courts

Changing the methodology of determining the number of district court judges.

The bill was read the second time.

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

Representatives Esser and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2471.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2471 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2362, by Representatives Hatfield, Hankins, Cooper and Anderson; by request of Department of Licensing

Adjusting the motorcycle skills course fee.

The bill was read the second time.

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

Representatives Hatfield and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2362.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2362 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2362, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2501, by Representatives Campbell, Cody, Ruderman, Linville, Armstrong, Conway, Darneille, Bush, Kirby, Miloscia, Simpson, Dunn and Casada

Modifying provisions concerning chiropractics.

The bill was read the second time.

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

Representatives Campbell and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2501.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2501 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2501, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2506, by Representatives Romero, Linville, Fisher, Jarrett, Cody, Dickerson, Veloria, Barlean, Simpson, Rockefeller, Dunshee, Hunt, Cairnes, Schmidt, Edwards, Upthegrove, Miloscia, Anderson and Wood

Creating a joint task force on green building.

The bill was read the second time. There being no objection, Substitute House Bill No. 2506 was substituted for House Bill No. 2506 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2506 was read the second time.

Representative Grant moved the adoption of amendment (131):

On page 2, beginning on line 1, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. (1) The joint task force on green building is created, to consist of the following ten members:

(a) Two members of the house of representatives, one from the majority caucus and one from the minority caucus, to be appointed by the speaker of the house;

(b) Two members of the senate, one member from the majority caucus and one from the minority caucus, to be appointed by the senate majority leader;

(c) One member from the office of community development of the department of community, trade, and economic development, appointed by the director of the department of community, trade, and economic development; and

(d) One member representing each of the following interests, selected by the associations representing those interests: the residential building industry, the commercial building industry, cities, counties, and environmental organizations.

(2) Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120. The staff of senate committee services and the office of program research of the house of representatives shall provide support to the task force.

(3) The chair may appoint experts and advisors as nonvoting members of the task force to provide information on various subjects. The task force shall establish rules of procedure at its first meeting."

Representatives Grant and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hunt moved adoption of amendment (129):

On page 2, line 12, strike "the environment" and insert "environmental organizations"

Representative Hunt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Romero, Linville and Morris spoke in favor of passage of the bill.

Representatives Schoesler and Woods spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2506.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2506 and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Barlean, Berkey, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall,

Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Carrell, Chandler, Cox, Crouse, Delvin, Dunn, Hankins, Holmquist, Lisk, McMorris, Mielke, Mitchell, Mulliken, Orcutt, Pearson, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Woods - 29.

Excused: Representative Ballasiotes - 1.

Engrossed Substitute House Bill No. 2506, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2536, by Representatives Fromhold, Cox, Schual-Berke, Talcott, Conway, Doumit, Grant, Cody, Benson, McDermott, Delvin, Sullivan, Armstrong, Eickmeyer, Miloscia, Roach, Casada, Mielke, Morell, Boldt, Barlean, Chase, Rockefeller, Ogden, Lantz, Edwards, Simpson, Kessler, Haigh, Pearson, Dunn, Quall, Voloria, Kagi, McIntire, Wood, Santos and Linville

Offering health care benefit plans to school district employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2536 was substituted for House Bill No. 2536 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2536 was read the second time.

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

Representatives Fromhold and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2536.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2536 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2536, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2541, by Representatives Hurst, Jarrett, Ballasiotes, O'Brien, Dickerson, Edwards, Miloscia, Morell, Rockefeller, Haigh and Linville

Expanding authority for interlocal agreements for jail services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2541 was substituted for House Bill No. 2541 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2541 was read the second time.

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

Representatives O'Brien and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2541.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2541 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2584, by Representatives Reardon, Crouse, Morris, Delvin, Ruderman, Anderson, Berkey, Linville, Schindler and Esser

Exempting land leases for personal wireless communication facilities from the subdivision act.

The bill was read the second time.

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

Representatives Reardon and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2584.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2584 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2584, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2637, by Representatives Morris, Hatfield, Kessler, Anderson, Veloria, Linville, Haigh, Conway, Hunt, Schual-Berke, Wood, Simpson, Rockefeller, Jackley, Kagi and Ogden

Creating the joint task force on long-term energy supply.

The bill was read the second time. There being no objection, Substitute House Bill No. 2637 was substituted for House Bill No. 2637 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2637 was read the second time.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2637.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2637 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2637, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2641, by Representatives Gombosky, Cairnes, Kessler, Morris, Berkey, Edwards, Kenney, Linville, Ogden and Conway; by request of Governor Locke

Implementing the recommendations of the investment income tax deduction task force for the business and occupation tax.

The bill was read the second time.

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

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2641.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2641, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote on Second Engrossed House Bill No. 2641.

HELEN SOMMERS, 36th District

HOUSE BILL NO. 2655, by Representatives Schual-Berke, Esser, Lantz, Chase, Lysen, Nixon and Rockefeller; by request of Office of Community Development

Waiving filing fees and costs for certain protection orders.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 26th Day, February 8, 2002.)

The bill was ordered engrossed.

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

Representatives Schual-Berke and Esser spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2655.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2655 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Engrossed House Bill No. 2655, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2672, by Representatives Kirby, O'Brien, Ballasiotes, Morell, Darneille, Lovick and Kagi

Limiting the liability of providers of treatment to high risk offenders.

The bill was read the second time.

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

Representative Kirby spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2672.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2672 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2672, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2702, by Representatives Carrell, Lantz and Boldt

Changing provisions relating to the enforcement of judgments.

The bill was read the second time. There being no objection, Substitute House Bill No. 2702 was substituted for House Bill No. 2702 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2702 was read the second time.

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

Representatives Carrell and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2702.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2702 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

Substitute House Bill No. 2702, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2715, by Representatives Murray and Esser

Revising state convention and trade center marketing provisions.

The bill was read the second time.

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

Representatives Murray, Esser, Dunn and Murray spoke in favor of passage of the bill.

Representative Mulliken spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2715.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2715 and the bill passed the House by the following vote: Yeas - 81, Nays - 16, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 81.

Voting nay: Representatives Ahern, Bush, Chandler, Crouse, DeBolt, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Pearson, Schindler, Sehlin and Sump - 16.

Excused: Representative Ballasiotes - 1.

House Bill No. 2715, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2716, by Representatives Roach, Upthegrove, Romero, Morell, Mulliken, Woods and Pflug

Requiring cost and benefit assessments early in the rule-making process.

The bill was read the second time.

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

Representatives Roach and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2716.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2716 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Ballasiotes - 1.

House Bill No. 2716, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2748, by Representatives Schual-Berke and Anderson

Requiring monitoring of programs for the education of highly capable students.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 26th Day, February 8, 2002.)

The bill was ordered engrossed.

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

Representatives Schual-Berke and Anderson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2748.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2748 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Mitchell - 1.

Engrossed House Bill No. 2748, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2758, by Representatives Quall, Linville and Hunt

Establishing the agricultural conservation easements program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2758 was substituted for House Bill No. 2758 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2758 was read the second time.

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

Representatives Quall, Schoesler and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2758.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2758 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2758, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2772, by Representatives Clements, Armstrong, Linville, Grant and Boldt

Disclosing information about crop insurance.

The bill was read the second time.

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

Representative Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2772.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2772 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2772, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2773, by Representatives Clements, Linville, Chandler and Grant

Revising standards for apple grades and requiring reports on the consignment sales of apples under the new standards.

The bill was read the second time. There being no objection, Substitute Engrossed House Bill No. 2773 was not substituted for Engrossed House Bill No. 2773.

Representative Clements moved the adoption of amendment (154):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 15.17 RCW to read as follows:

To provide uniformity in the marketplace and to protect consignors of apples, the director shall revise state standards for grades and packs of apples. The director shall adopt revisions to the standards for grades and packs of apples that will clarify the standards in such a way that they will be applied consistently among warehouses and commission merchants. That is, these revisions must provide a level of uniformity that will ensure that the apples of a particular variety, grade, and pack sold from one warehouse will be the same as the apples of the same variety, grade, and pack sold from any other warehouse. For this purpose, the director shall invite a grades and packs committee that is widely recognized within the horticultural industry as representing the interests of the industry regarding grades and packs of apples to recommend by consensus revisions to the standards that it believes will provide that uniformity. If the industry committee recommends such revisions by committee consensus by January 1, 2004, the director shall immediately initiate rule making and give great weight to proposing and adopting the recommendations of the committee. If the committee does not make the recommendations by committee consensus by January 1, 2004, the director shall adopt revisions to the standards the director believes will provide such uniformity by January 1, 2005.

Sec. 2. RCW 20.01.440 and 1991 c 109 s 23 are each amended to read as follows:

Every commission merchant shall retain a copy of all records covering each transaction for a period of three years from the date thereof, which copy shall at all times be available for, and open to, the confidential inspection of the director and the consignor, or authorized representative of either. Upon the request of the consignor or the authorized representative of the consignor, the information shall be rendered to the consignor or the authorized representative; however, for a pooling arrangement, the information to be rendered is the information that must be rendered under RCW 20.01.370 or, upon final remittance, the information that must be transmitted under RCW 20.01.370. In the event of any dispute or disagreement between a consignor and a commission merchant arising at the time of delivery as to condition, quality, grade, pack, quantity, or weight of any lot, shipment or consignment of agricultural products, the department shall furnish, upon the payment of a reasonable fee therefor by the requesting party, a certificate establishing the condition, quality, grade, pack, quantity, or weight of such lot, shipment, or consignment. Such certificate shall be prima facie evidence in all courts of this state as to the recitals thereof. The burden of proof shall be upon the commission merchant to prove the correctness of his or her accounting as to any transaction which may be questioned.

Nothing in this chapter may be construed as preventing the reporting of information required to be reported under section 5 of this act, the publication of such information, or the availability of such information for public inspection as required by section 5 of this act.

Sec. 3. RCW 20.01.370 and 1991 c 109 s 20 are each amended to read as follows:

Every commission merchant taking control of any agricultural products for sale as such commission merchant, shall promptly make and keep for a period of three years, beginning on the day

the sale of the product is complete, a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (4) An accounting of all sales, including dates, terms of sales, quality and quantity of agricultural products sold, and proof of payments received on behalf of the consignor.
- (5) The terms of payment to the producer.
- (6) An itemized statement of the charges to be paid by consignor in connection with the sale.
- (7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other, or otherwise. Such interest shall be noted in said records following the name of any such purchaser.
- (8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.
- (9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

Before a commission merchant may handle an agricultural product in a pooling arrangement or accounting, the consignor must have agreed in writing to allow the pooling.

Where a pooling arrangement is agreed to in writing between the consignor and commission merchant, the reporting requirements of subsections (4), (5), (6), and (8) of this section shall apply to the pool rather than to the individual consignor or consignment and the records of the pool shall be available for inspection by any consignor to that pool and, upon the request of the consignor, shall be rendered to the consignor.

For individual accounting, the commission merchant shall transmit a copy of the record required by this section to the consignor on the same day the final remittance is made to the consignor as required by RCW 20.01.430. For a consignor who is participating in a pooling arrangement, the commission merchant shall, on the same day final remittance and accounting are made to the consignor as required by RCW 20.01.430, transmit to the consignor a summary of the records which are available for inspection by any consignor to that pool.

Nothing in this chapter may be construed as preventing the reporting of information required to be reported under section 5 of this act, the publication of such information, or the availability of such information for public inspection as required by section 5 of this act.

Sec. 4. RCW 20.01.420 and 1991 c 109 s 22 are each amended to read as follows:

When requested by a consignor, a commission merchant shall promptly make available to the consignor or to the director all records of the ongoing sales of the consignor's agricultural products showing the amount sold, the selling price, and any other information required under RCW 20.01.370. Upon the request of the consignor, such information as must be rendered to the consignor under RCW 20.01.370 shall be rendered to the consignor and, upon final remittance, such information as must be transmitted to the consignor under RCW 20.01.370 shall be rendered to the consignor.

NEW SECTION. Sec. 5. A new section is added to chapter 20.01 RCW to read as follows:

Each commission merchant shall report to the department by the tenth day of each month the volume of fruit imported into the United States that was received by and the volume of such fruit that was packed and sold by the commission merchant during the previous month and the sale prices of such sales. The department shall ensure that the information it receives under this section is readily available for public inspection. The department shall provide the information to the Washington state

fruit commission which shall publish the information in a timely manner in a monthly or bimonthly publication authorized under RCW 15.28.260."

Correct the title.

Representatives Clements and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2773.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2773 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed House Bill No. 2773, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2807, by Representatives Kenney, Cox, Fromhold and Rockefeller; by request of Governor Locke

Creating the Washington promise scholarship.

The bill was read the second time. There being no objection, Substitute House Bill No. 2807 was substituted for House Bill No. 2807 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2807 was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2807.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2807 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Lisk - 1.

Substitute House Bill No. 2807, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2824, by Representatives Skinner, Edwards and Chase

Revising conflict of interest provisions for the long-term care ombudsman program.

The bill was read the second time.

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

Representatives Skinner and Cody spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2824.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2824 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2824, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2829, by Representatives Mielke, Murray, Haigh, Mitchell, Boldt, Dunn, Schindler, Woods and Doumit

Changing provisions relating to revocation of juvenile driving privileges.

The bill was read the second time. There being no objection, Substitute House Bill No. 2829 was substituted for House Bill No. 2829 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2829 was read the second time.

Representative Mielke moved the adoption of amendment (106):

On page 2, line 17, after "(ix)" insert "(A)"

On page 2, line 19, after "vehicle;" insert "or (B) is enrolled at a college, university, community college, technical college, vocational school, trade school or private career school for a minimum of six credit hours that makes it essential that he or she operate a motor vehicle;"

On page 2, line 24, after "occupation" strike "or" and insert ","

On page 2, line 24, after "trade" insert ", apprenticeship, or on-the-job training or is enrolled at a college, university, community college, technical college, vocational school, trade school or private career school for a minimum of six credit hours"

On page 3, line 24, after "employment" insert "or post-secondary education"

Representatives Mielke and Dickerson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Mielke spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2829.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2829 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Ballasiotes - 1.

Engrossed Substitute House Bill No. 2829, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2829.
Joyce Mulliken, 13th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2829.
Janea Holmquist, 13th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2829.
Barbara Lisk, 15th District

HOUSE BILL NO. 2834, by Representatives Schual-Berke, Campbell, Cody, Darneille, Conway, Edwards, Chase, Hunt and Pflug

Requiring a medication or treatment order as a condition for children with life-threatening conditions to attend public school.

The bill was read the second time. There being no objection, Substitute House Bill No. 2834 was substituted for House Bill No. 2834 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2834 was read the second time.

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

Representatives Schual-Berke and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2834.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2834 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2834, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2874, by Representatives Schoesler and Grant

Authorizing the department of ecology to enter into agreements to allocate Columbia basin project waters.

The bill was read the second time. There being no objection, Substitute House Bill No. 2874 was substituted for House Bill No. 2874 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2874 was read the second time.

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

Representatives Schoesler and Grant spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2874.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2874 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2874, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2895, by Representatives Kessler, Chase and Ogden

Allowing port employees to join more than one retirement plan subject to a labor agreement.

The bill was read the second time. There being no objection, Substitute House Bill No. 2895 was substituted for House Bill No. 2895 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2895 was read the second time.

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

Representatives Kessler and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2895.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2895 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2895, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2907, by Representatives Schoesler, Romero, Alexander, Murray, Ogden, Mitchell and Nixon

Encouraging fund-raising activities on behalf of the state legislative building.

The bill was read the second time.

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

Representatives Schoesler and Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2907.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2907 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Talcott - 1.

House Bill No. 2907, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2296, by Representatives Eickmeyer, Lantz, Miloscia, Kessler, Rockefeller and Haigh

Modifying the definition of "eligible area" for distressed area designation.

The bill was read the second time. There being no objection, Substitute House Bill No. 2296 was substituted for House Bill No. 2296 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2296 was read the second time.

With the consent of the House, amendments (151) and (121) were withdrawn.

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

Representatives Eickmeyer and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2296.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2296 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Morris - 1.

Substitute House Bill No. 2296, having received the necessary constitutional majority, was declared passed.

THIRD READING

HOUSE BILL NO. 2407, by Representatives Ballasiotes, O'Brien, Lovick, Hurst, Woods, Kagi and Haigh

Establishing the authority to create and operate regional jails.

Representatives Ballasiotes, O'Brien and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2407.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2407 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2407 , having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2829 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2829 on reconsideration and the bill passed the House by the following vote: Yeas - 87, Nays - 11, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Chase, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood and Mr. Speaker - 87.

Voting nay: Representatives Anderson, Ballard, Ballasiotes, Carrell, Clements, Hankins, Jarrett, Mitchell, Pflug, Skinner and Woods - 11.

Engrossed Substitute House Bill No. 2829, on reconsideration, having received the constitutional majority, was declared passed.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4018 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4018 on reconsideration and the joint memorial passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Barlean, Benson, Berkey, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Lisk, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Rockefeller, Schindler, Sehlin and Talcott - 33.

House Joint Memorial No. 4018, on reconsideration, having not received the constitutional majority, was declared passed.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of House Bill No. 2715 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2715 on reconsideration and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Ballard, Boldt, Bush, Chandler, Crouse, Holmquist, Lisk, Mielke, Mitchell, Mulliken, Schindler and Sehlin - 13.

House Bill No. 2715, on reconsideration, having not received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 14, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5400,
SUBSTITUTE SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6313,
SENATE BILL NO. 6328,
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SENATE BILL NO. 6480,

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SUBSTITUTE SENATE BILL NO. 6600,
SENATE BILL NO. 6601,
SUBSTITUTE SENATE BILL NO. 6635,
SUBSTITUTE SENATE BILL NO. 6650,
SUBSTITUTE SENATE BILL NO. 6658,
SENATE BILL NO. 6763,
SENATE BILL NO. 6777,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 9:30 a.m., February 15, 2002, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

THIRTY SECOND DAY, FEBRUARY 14, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 15, 2002

The House was called to order at 9:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Savage and Austin Hollenbaugh. Prayer was offered by Pastor Eric Flynn, Tacoma.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4706, by Representatives Darneille, Lovick, Linville, Ruderman, Simpson, Cody, Dickerson, Murray, Kagi, Hunt, Wood, Schual-Berke, Fisher, Cooper, O'Brien, Kenney, Berkey, Quall, Conway, Tokuda, Reardon, Edwards, Veloria, McDermott, Morris, Doumit, Santos, Upthegrove, Chase, Haigh, Fromhold, Lysen, Lantz, Rockefeller, Jackley, Dunshee, McIntire, Gombosky, Sullivan, Kirby, Hankins, Esser and Nixon

WHEREAS, Black History Month was established in February 1926 by Carter G. Woodson as Negro History Week and was later expanded to Afro-American History Month in 1976 in honor of the nation's bicentennial, with the hope that through this special observance all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, For nearly 400 years as part of an established system of slavery and human bondage, Black Americans toiled and survived and then overcame the degradation and shame of this system to become contributors at every level of our public and private endeavors; and

WHEREAS, The desire to succeed and contribute to America caused Black Americans to defy racial hostility, Jim Crow Laws, and economic and social injustices; and

WHEREAS, Black History Month should be the reaffirmation of struggle and determination to change attitudes and heighten the understanding of the African experience; and

WHEREAS, The observance must be a testimony to those African pioneers who struggle to affirm the humanity of African Peoples and a challenge to the present generation to protect and preserve the humanity of all peoples of African descent; and

WHEREAS, The month of February is significant and recognized in African-American History for the birthdays of great African-American pioneers and institutions, such as Frederick Douglass, W.E.B. DeBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress; and

WHEREAS, George Washington Bush was the first Black American to serve in the Washington Territorial Legislature; Representatives Charles Stokes and Marjorie Pitter King were the first Black American man and woman to serve in the legislature following the proclamation of Washington statehood; and Charles Z. Smith was the first Black American to serve on the Washington State Supreme Court; and

WHEREAS, The Washington State Legislature is honored to have among its former members the following elected Black American Representatives and Senators: Sam Smith, Michael Ross, Peggie Joan Maxie, George Fleming, Bill Smitherman, Jesse Wineberry, Vivian Caver, and Dawn Mason; and

WHEREAS, Black Americans have made significant contributions to Washington State history in several fields, including: Civil rights leader Edwin T. Pratt; poet Mona Lake Jones; artists Jacob Lawrence and James Washington; historian Esther Mumford; and musicians Quincy Jones, Ernestine Anderson, and Jimi Hendrix; and

WHEREAS, George Washington Bush, one of the Pacific Northwest's most successful pioneers, founded the city of Centerville, now known as Centralia, and single-handedly saved the city from bankruptcy and starvation during the closing of iron works and local lumber mills, by providing food for the local citizens and making "interest free" loans to residents of the community; and

WHEREAS, George Washington Bush, headed to the Northwest seeking a place free of prejudice with his wife and family, homesteaded a 640-acre parcel that later became Bush Prairie, now known as Tumwater; and

WHEREAS, As demonstrated by some of our contemporary writers and educators--including Toni Morrison, Henry Louis Gates Jr., Shelby Steele, Cornel West, bell hooks and others--that the African-American intellectual tradition belongs at the center of American history;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize February 2002 as Black History Month, in recognition of Americans of African descent who have contributed to America; and

BE IT FURTHER RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general and that we urge all citizens of the State of Washington to join with us in taking the opportunity this month to explore this rich history and expand our world view; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Chair of the Washington State Commission on African-American Affairs, to Judge Charles Stokes, the first African-American member of the Washington State House of Representatives, and to Justice Charles Z. Smith of the Washington State Supreme Court.

Representative Darneille moved the adoption of the resolution.

Representatives Darneille, Mastin, Veloria, Skinner, Casada and Santos spoke in favor of the adoption of the resolution.

House Resolution No. 4706 was adopted.

HOUSE RESOLUTION NO. 2002-4696, by Representatives Veloria, Kenney, Santos and Hankins

WHEREAS, The University of Washington, President Richard McCormick, and the Office of Minority Affairs under the Vice-President for Minority Affairs Rusty Barcelo have distinguished their commitment to diversity by supporting a college preparatory high school on the University of Washington campus for underrepresented students from the Seattle Public Schools; and

WHEREAS, The University of Washington supported and nurtured this extraordinary high school on its Seattle main campus and has created a model that responds as a positive alternative to disproportionality in the public schools and exhibits another aspect of commitment on the part of the University of Washington to encourage diversity in higher education; and

WHEREAS, The University of Washington's Office of Minority Affairs High School, in its partnership with the Seattle Schools, is providing a unique and inspirational higher education and K-12 joint effort and is setting the pace for academic success for underrepresented public school students; and

WHEREAS, This innovative high school is based on the expectation of student success, capability, and social responsibility and has established the highest standards of instruction for its students over the past five years; and

WHEREAS, Its commitment to democratic public education, critical pedagogy, and a multicultural learning community has enabled its students to realize their full potential; and

WHEREAS, The University of Washington, by supporting this high school for underrepresented students on its campus, demonstrates its firm determination in fulfilling its promises

on diversity and has further made it possible for these young high school students not only to dream of college, but to realize that they can make such a dream come true; and

WHEREAS, Seventy percent of the high school graduates coming from the University of Washington's Office of Minority Affairs High School go on to higher education, and this innovative alternative high school serves as a model for successful multicultural, diverse, and rigorous public education;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives acknowledge the University of Washington for its active commitment to diversity in higher education by sponsoring this college preparatory opportunity for underrepresented Seattle Public School students, the University of Washington Office of Minority Affairs High School.

Representative Veloria moved the adoption of the resolution.

Representatives Veloria, Skinner and Kenney spoke in favor of the adoption of the resolution.

House Resolution No. 4696 was adopted.

The Speaker assumed the chair.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4024, by Representatives Dunshee, Edwards, Jackley and Schmidt

Requesting State Route 99 be named the William P. Stewart Memorial Highway.

The joint memorial was read the second time.

MOTION

On motion of Representative Woods, Representative Cairnes was excused.

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

Representatives Dunshee, DeBolt, Reardon and Lovick spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4024.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4024 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Cairnes - 1.

House Joint Memorial No. 4024, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1849, by House Committee on Natural Resources (originally sponsored by Representatives Pearson, Jackley, Doumit, Eickmeyer, Rockefeller, Cox, Barlean, Armstrong, Bush and O'Brien; by request of Parks and Recreation Commission)

Requiring the parks and recreation commission to have a record check performed on certain job applicants.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1849 was substituted for Substitute House Bill No. 1849 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1849 was read the second time.

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

Representatives Pearson and Jackley spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1849.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1849 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Cairnes - 1.

Second Substitute House Bill No. 1849, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1991, by Representatives Lantz and Woods

Changing provisions relating to information sharing between schools and juvenile justice and care agencies.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendments, see Journal, 22nd Day, February 4, 2002.)

The bill was ordered engrossed.

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

There being no objection, the House deferred action on Engrossed House Bill No. 1991 and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2527, by Representatives Sullivan, Dunshee, Edwards, DeBolt, Reardon, Kirby, Cooper, Crouse, Mielke, Miloscia, Chase and Wood

Revising certain day labor limits to account for inflation.

The bill was read the second time.

Representative Mulliken moved the adoption of amendment (157):

On page 2, line 20, after "(3)" insert "(a)"

On page 2, line 23, after "~~((fifty))~~" strike all material through "2010," on line 24, and insert "fifty-five thousand dollars"

On page 2, line 26, after "~~((twenty-five))~~" strike all material through "2010," on line 27, and insert "thirty thousand dollars"

On page 2, line 33, after "~~((thirty-five))~~" strike all material through "2010," on line 34, and insert "forty thousand dollars"

On page 2, line 36, after "~~((twenty))~~" strike all material through "2010," on line 37, and insert "twenty-five thousand dollars"

On page 3, after line 4, insert the following:

"(b) The dollar limits established in subsection (3)(a) of this section must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management shall calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect."

On page 4, line 10, after "~~((thirty))~~" strike all material through "2010," on line 11, and insert "thirty-five thousand dollars"

On page 4, line 12, after "~~((twenty))~~" strike all material through "2010," on line 13, and insert "twenty-five thousand dollars"

On page 4, line 15, after "lighting." insert "The dollar limits established in this subsection must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management shall calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect."

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representative Sullivan spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2527.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2527 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Berkey, Bush, Campbell, Carrell, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Cairnes, Casada, Chandler, DeBolt, Ericksen, Holmquist, Lisk, McMorris, Mielke, Morell, Mulliken, Roach, Sehlin, Sump and Woods - 23.

House Bill No. 2527, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 2527.

DAVID MASTIN, 16th District

HOUSE BILL NO. 2532, by Representatives Linville, Crouse, Morris, Berkey, Morell and Wood

Allowing the use of electronic mail telecommunications technology by nonprofit corporation committees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2532 was substituted for House Bill No. 2532 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2532 was read the second time.

Representative Morris moved the adoption of amendment (174):

On page 3, after line 18, insert "(4) For purposes of this section, "electronic mail" means the transmission and reception of electronic communication."

On page 4, after line 24, insert "(5) For purposes of this section, "electronic mail" means the transmission and reception of electronic communication."

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Linville and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2532.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2532 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2532, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2031, by Representatives Cairnes, Crouse, Poulsen, Morris, Reardon, Delvin and Barlean

Limiting the taxation of pay phone services.

The bill was read the second time. There being no objection, Substitute House Bill No. 2031 was substituted for House Bill No. 2031 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2031 was read the second time.

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

Representatives Cairnes and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2031.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2031 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2031, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2308, by Representatives Linville, Schoesler, Anderson, Dunshee, Lovick, Lantz, Santos, Rockefeller, Berkey, Conway, Wood, Edwards, Cooper, Hunt, Fromhold, Dickerson, Cody, Simpson, Upthegrove, Kagi and McIntire

Encouraging recycling and waste reduction.

The bill was read the second time. There being no objection, Substitute House Bill No. 2308 was substituted for House Bill No. 2308 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2308 was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2308.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2308 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2308, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2324, by Representatives Hatfield, Doumit, Kessler, Kirby, Edwards and Orcutt

Making it a crime to fail to protect children and dependent persons.

The bill was read the second time. There being no objection, Substitute House Bill No. 2324 was substituted for House Bill No. 2324 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2324 was read the second time.

Representative Hatfield moved the adoption of amendment (170):

On page 2, line 4, after "child" insert "or dependent person"

On page 2, line 6, after "child" insert "or dependent person"

Representatives Hatfield and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Hatfield and Orcutt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2324.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2324 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2324, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2332, by Representatives Romero, McDermott, Schmidt, Woods, Ruderman, Miloscia, Esser and Kagi; by request of Secretary of State

Directing a statewide voter registration data base.

The bill was read the second time.

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

Representatives Romero and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2332.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2332 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2366, by Representatives Ogden, Woods, Romero, Skinner and Chase; by request of Secretary of State

Clarifying acceptance of gifts by the archives and oral history program.

The bill was read the second time. There being no objection, Substitute House Bill No. 2366 was substituted for House Bill No. 2366 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2366 was read the second time.

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

Representatives Ogden and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2366.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2366 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2366, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2378, by Representatives Dickerson, Kagi, Tokuda, Chase, Kenney and Schual-Berke

Revising the definition of "abuse or neglect."

The bill was read the second time. There being no objection, Substitute House Bill No. 2378 was substituted for House Bill No. 2378 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2378 was read the second time.

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

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2378.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2378 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2378, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2392, by Representatives Delvin, Doumit, Alexander, Morell, Eickmeyer, Linville, Lovick, Haigh and Esser; by request of Joint Committee on Pension Policy

Transferring service credit and contributions into the Washington state patrol retirement system.

The bill was read the second time.

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

Representative Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2392.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2392 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Cooper and Simpson - 2.

House Bill No. 2392, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2394, by Representatives Alexander, Cooper, Doumit, Delvin, Conway, Linville, Haigh and Simpson; by request of Joint Committee on Pension Policy

Separating from public employees' retirement system plan 1.

The bill was read the second time.

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

Representative Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2394.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2394 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2394, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2470, by Representatives Conway, Campbell, Cairnes, Cooper, Hunt, Hurst, Quall, Armstrong, Delvin, Tokuda and Kenney

Revising provisions for plumbing contractors.

The bill was read the second time. There being no objection, Substitute House Bill No. 2470 was substituted for House Bill No. 2470 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2470 was read the second time.

Representative Conway moved the adoption of amendment (200):

On page 3, strike all of Section 3, and insert the following:

"**Sec. 3.** RCW 18.106.180 and 2000 c 171 s 27 are each amended to read as follows:

(1) An authorized representative of the department may issue a notice of infraction as specified in RCW 18.106.020(~~(4)~~) if:

(a) A person who is doing plumbing work or who is offering to do plumbing work fails to produce evidence of:

(i) Having a certificate or permit issued by the department in accordance with this chapter, or (~~(e)~~) being supervised by a person who has such a certificate or permit; and

(ii) Being registered as a contractor as required under chapter 18.27 RCW or this chapter, or being employed by a person who is registered as a contractor;

(b) A person who employs anyone, or offers or advertises to employ anyone, to do plumbing work fails to produce evidence of being registered as a contractor as required under chapter 18.27 RCW or this chapter; or

(c) A contractor violates section 5 of this act.

(2) A notice of infraction issued under this section shall be personally served on the person named in the notice by an authorized representative of the department or sent by certified mail to the last known address provided to the department of the person named in the notice."

On page 5, on line 33, after "contractor," insert "or"

Representatives Conway and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2470.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2470 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2470, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2477, by Representatives O'Brien, Ballasiotes and Lovick; by request of Department of Corrections

Removing requirement for department of corrections to file satisfaction of judgments.

The bill was read the second time. There being no objection, Substitute House Bill No. 2477 was substituted for House Bill No. 2477 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2477 was read the second time.

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

Representative O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2477.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2477 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2477, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2492, by Representatives Kenney, Gombosky, Fromhold, Lantz, Rockefeller, Hunt, Cox, Jarrett, Edwards, Chase, Wood, McDermott and Haigh; by request of State Treasurer

Revising provisions for college payment programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2492 was substituted for House Bill No. 2492 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2492 was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2492.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2492 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2492, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2512, by Representatives Upthegrove, Schmidt, Miloscia, Romero, Edwards, Jackley, Kenney, Ogden, Chase, Morris, McDermott and Schual-Berke; by request of Governor Locke

Creating the uniform regulation of business and professions act.

The bill was read the second time. There being no objection, Substitute House Bill No. 2512 was substituted for House Bill No. 2512 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2512 was read the second time.

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

Representatives Upthegrove and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2512.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2512 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2512, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2513, by Representatives Wood, Clements and Conway

Regulating timeshare interest reservations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2513 was substituted for House Bill No. 2513 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2513 was read the second time.

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

Representative Wood spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2513.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2513 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2513, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2522, by Representatives Sullivan, Romero, Lovick, Murray, Upthegrove, Miloscia, Chase, Rockefeller, Lantz, Simpson, Kagi, McIntire, Wood, Santos, Linville and Edwards

Encouraging the purchase of clean technologies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2522 was substituted for House Bill No. 2522 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2522 was read the second time.

Representative McMorris moved the adoption of amendment (064):

On page 4, line 18, after "All" insert "state"

On page 5, line 29, after (2), strike "Public" and insert "State"

On page 5, beginning on line 37, after "(4)" strike entire subsection (a)

Renumber the subsections consecutively and correct internal references accordingly.

Representative McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Sullivan spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2522.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2522 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2522, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2534, by Representatives Kenney, Cox, Kagi, Chase, Tokuda, Jarrett, Conway, Morell, Ogden, Edwards, Kessler, Haigh, Veloria, McIntire, Schual-Berke, Wood, Santos, McDermott and Linville

Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2534 was substituted for House Bill No. 2534 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2534 was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2534.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2534 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Second Substitute House Bill No. 2534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2553, by Representatives Morris, Pflug, Dunshee, Clements, Conway, Chase, Rockefeller and Veloria

Increasing the number of eligible tribes for cigarette tax contracts.

The bill was read the second time.

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

Representatives Morris and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2553.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2553 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2553, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2589, by Representatives Linville, Mulliken, Cody, Skinner, Veloria and Kenney

Providing for licensure of audiologists and speech-language pathologists.

The bill was read the second time. There being no objection, Substitute House Bill No. 2589 was substituted for House Bill No. 2589 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2589 was read the second time.

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

Representatives Linville and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2589.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2589 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Voting nay: Representative Nixon - 1.

Substitute House Bill No. 2589, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2610, by Representatives Darneille, Morell, Tokuda, O'Brien, Upthegrove, Kirby and Campbell

Providing criminal penalties for endangerment of children and dependent persons with a controlled substance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2610 was substituted for House Bill No. 2610 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2610 was read the second time.

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

Representatives Darneille and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2610.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2610 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2610, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2611, by Representatives Lysen, Casada, Romero, Kenney, Berkey, Sullivan, Wood, Linville, Hunt, Kagi, Dickerson, Darneille, McDermott, Haigh, O'Brien, Chase, Fromhold, Veloria, Cody, Lovick, Upthegrove, Orcutt, Kirby, McIntire, Miloscia, Nixon, Campbell, Santos, Schual-Berke and Conway

Creating a no call list.

The bill was read the second time. There being no objection, Substitute House Bill No. 2611 was substituted for House Bill No. 2611 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2611 was read the second time.

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

Representatives Lysen, Casada, Morris and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2611.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2611 and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Crouse, Delvin and Schindler - 3.

Substitute House Bill No. 2611, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Lysen on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

HOUSE BILL NO. 2617, by Representatives Linville, Romero, DeBolt, Quall, Kirby, Alexander, Morris, Dunshee, Bush, Hunt, Tokuda, Miloscia and McDermott

Requiring further information about certain political campaign contributors.

The bill was read the second time. There being no objection, Substitute House Bill No. 2617 was substituted for House Bill No. 2617 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2617 was read the second time.

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

Representatives Linville, Romero and Alexander spoke in favor of passage of the bill.

Representative Schmidt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2617 and the bill passed the House by the following vote: Yeas - 92, Nays - 6, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Cody, Crouse, Gombosky, Murray, Quall and Schmidt - 6.

Substitute House Bill No. 2617, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2648, by Representatives Murray, Esser, Reardon and McIntire

Requiring additional information from certain capital budget applicants.

The bill was read the second time. There being no objection, Substitute House Bill No. 2648 was substituted for House Bill No. 2648 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2648 was read the second time.

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

Representatives Murray and Esser spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2648.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2648 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2648, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2678, by Representatives Upthegrove, McDermott, Chase and Kagi

Requiring institutions of higher education to put in place an active prompt on their web sites that link to the secretary of state's voter registration web site.

The bill was read the second time.

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

Representatives Upthegrove and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2678.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2678 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

House Bill No. 2678, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2697, by Representatives Reardon, Anderson, Berkey, Pflug, Sullivan, Nixon, Esser, Delvin, Jarrett, Upthegrove and Simpson

Incorporating effective economic development planning into growth management planning.

The bill was read the second time. There being no objection, Substitute House Bill No. 2697 was substituted for House Bill No. 2697 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2697 was read the second time.

Representative Mulliken moved the adoption of amendment (166):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Sec. 2. RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read as follow.:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection. An industrial area is not required to be principally designed to serve the existing and projected rural population;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdiction boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth, vitality, and quality of life. The element shall include: (a) An assessment of the economic contributions made by existing commercial and industrial sectors to the community or region; (b) an assessment of opportunities for business retention, expansion, recruitment, and economic benefits of natural amenities; (c) an assessment of future needs, including for capital facilities, land use, and housing, to manage projected growth and foster economic vitality; and (d) an

evaluation of economic impacts from new and existing businesses to determine the effects on job retention, expansion, and enhancement opportunities."

Correct the title.

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Representative Hatfield demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (166) to Second Substitute House Bill No. 2697.

ROLL CALL

The Clerk called the roll on the adoption of amendment (166) to Second Substitute House Bill No. 2697, and the amendment was not adopted by the following vote: Yeas - 33, Nays - 65, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Orcutt, Pearson, Schindler, Schoesler, Sehlin, Skinner, Sump and Talcott - 33.

Voting nay: Representatives Anderson, Ballasiotes, Berkey, Carrell, Casada, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 65.

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

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (166) to Substitute House Bill No. 2697.

JACK CAIRNES, 47th District

Representatives Reardon, Mulliken and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2697.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2697 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Second Substitute House Bill No. 2697, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2710, by Representatives Van Luven, Veloria, Esser, Tokuda, Santos, Cooper, Morell and Nixon

Applying the consumer protection act to the sale of halal food products.

The bill was read the second time. There being no objection, Substitute House Bill No. 2710 was substituted for House Bill No. 2710 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2710 was read the second time.

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

Representatives Van Luven, Veloria and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2710.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2710 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2710, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2736, by Representatives Murray, Esser, McIntire, Lantz, Jarrett, Ogden, Lysen, Chase, Haigh and Kenney; by request of University of Washington

Authorizing the University of Washington and Washington State University to make financing arrangements for research facilities.

The bill was read the second time. There being no objection, Substitute House Bill No. 2736 was substituted for House Bill No. 2736 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2736 was read the second time.

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

Representatives Murray, Esser and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2736.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2736 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2736, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2841, by Representatives Chase, Cox, Kenney, Jarrett, Fromhold, Lysen, Edwards, Upthegrove, Rockefeller, Haigh, Esser and McDermott

Requiring a student member on the higher education coordinating board.

The bill was read the second time.

Representative Chase moved the adoption of amendment (193):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.80.390 and 1985 c 370 s 10 are each amended to read as follows:

The board shall consist of (~~nine~~) ten members, one of whom shall be a student, who are representative of the public, including women and the racial minority community. All members shall be appointed at large by the governor and approved by the senate. The governor shall appoint the chair, who shall serve at the governor's pleasure.

Sec. 2. RCW 28B.80.400 and 1985 c 370 s 11 are each amended to read as follows:

The members of the board, except the chair and the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms. The student member shall hold his or her office for a term of one year from the first day of July until his or her successor is appointed."

Correct the title.

Representatives Chase and Cox spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Chase, Cox and Fromhold spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2841.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2841 and the bill passed the House by the following vote: Yeas - 94, Nays - 4, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Voting nay: Representatives Bush, Chandler, Lisk and Mulliken - 4.

Engrossed House Bill No. 2841, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2893, by Representatives Clements and Conway

Relating to the farm equipment dealers act of 2002.

The bill was read the second time. There being no objection, Substitute House Bill No. 2893 was substituted for House Bill No. 2893 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2893 was read the second time.

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

Representative Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2893 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Substitute House Bill No. 2893, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2918, by Representative Wood

Authorizing certain organizations to conduct bingo.

The bill was read the second time.

Representative Bush moved the adoption of amendment (171):

On page 2, after line 23, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:
An entity licensed under RCW 9.46.070(1) which conducts or allows its premises to be used for conducting bingo on more than three occasions per week shall include the following statement in any advertising or promotion of gambling activity conducted by the licensee:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this section, "advertising" includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

Correct the title.

Representatives Bush and Wood spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Wood, Clements, Eickmeyer and Talcott spoke in favor of passage of the bill.

Representative Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2918.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2918 and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Boldt, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky,

Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Ballard, Barlean, Benson, Bush, Campbell, Casada, Cox, Dunn, Dunshee, Esser, Hurst, Lovick, McIntire, Roach and Sump - 16.

Engrossed House Bill No. 2918, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1005, by Representatives Morris and Lantz

Allowing the granting of easements on state-owned aquatic lands for local public utility lines.

The bill was read the second time. There being no objection, Substitute House Bill No. 1005 was substituted for House Bill No. 1005 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1005 was read the second time.

Representative Morris moved the adoption of amendment (267):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that local public utilities provide essential services to all of the residents of the state and that the construction and improvement of local utility infrastructure is critical to the public health, safety, and welfare, community and economic development, and installation of modern and reliable communication and energy technology. The legislature further finds that local utility lines must cross state-owned aquatic lands in order to reach all state residents and that, for the benefit of such residents, the state should permit the crossings, consistent with all applicable state environmental laws, in a nondiscriminatory, economic, and timely manner. The legislature further finds that this act and the valuation methodology in section 3 of this act applies only to the uses listed in section 2 of this act, and does not establish a precedent for valuation for any other uses on state-owned aquatic lands.

Sec. 2. RCW 79.90.470 and 1984 c 221 s 5 are each amended to read as follows:

(1) The use of state-owned aquatic lands for public utility lines owned by a governmental entity shall be granted ((without charge)) by an agreement, permit, or other instrument if the use is consistent with the purposes of RCW 79.90.450 through 79.90.460 and does not obstruct navigation or other public uses. The department may recover only its reasonable direct administrative costs incurred in processing and approving the request or application, and reviewing plans for construction of public utility lines. For purposes of this section, "direct administrative costs" means the cost of hours worked directly on an application or request, based on salaries and benefits, plus travel reimbursement and other actual out-of-pocket costs. Direct administrative costs recovered by the department must be deposited into the resource management cost account. Use for public parks or public recreation purposes shall be granted without charge if the aquatic lands and improvements are available to the general public on a first-come, first-served basis and are not managed to produce a profit for the operator or a concessionaire. The department may lease state-owned tidelands that are in front of state parks only with the approval of the state parks and recreation commission. The department may lease bedlands in front of state parks only after the department has consulted with the state parks and recreation commission.

(2) The use of state-owned aquatic lands for local public utility lines owned by a nongovernmental entity will be granted by easement if the use is consistent with the purpose of RCW 79.90.450 through 79.90.460 and does not obstruct navigation or other public uses. The total charge for the easement will be determined under section 3 of this act.

(3) Nothing in this section limits the ability of the department to obtain payment for commodity costs, such as lost revenue from renewable resources, resulting from the granted use of state-owned aquatic lands for public utility lines.

NEW SECTION. Sec. 3. A new section is added to chapter 79.90 RCW to read as follows:

(1) Until July 1, 2008, the charge for the term of an easement granted under RCW 79.90.470(2) will be determined as follows and will be paid in advance upon grant of the easement:

(a) Five thousand dollars for individual easement crossings that are no longer than one mile in length;

(b) Twelve thousand five hundred dollars for individual easement crossings that are more than one mile but less than five miles in length; or

(c) Twenty thousand dollars for individual easement crossings that are five miles or more in length.

(2) The charge for easements under subsection (1) of this section must be adjusted annually by the rate of yearly increase in the most recently published consumer price index, all urban consumers, for the Seattle-Everett SMSA, over the consumer price index for the preceding year, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington rounded up to the nearest fifty dollars.

(3) The term of the easement is thirty years.

(4) In addition to the charge for the easement under subsection (1) of this section, the department may recover its reasonable direct administrative costs incurred in receiving an application for the easement, approving the easement, and reviewing plans for and construction of the public utility lines. For the purposes of this subsection, "direct administrative costs" means the cost of hours worked directly on an application, based on salaries and benefits, plus travel reimbursement and other actual out-of-pocket costs. Direct administrative costs recovered by the department must be deposited into the resource management cost account.

(5) Applicants under RCW 79.90.470(2) providing a residence with an individual service connection for electrical, natural gas, cable television, or telecommunications service are not required to pay the charge for the easement under subsection (1) of this section but shall pay administrative costs under subsection (4) of this section.

(6) A final decision on applications for an easement must be made within one hundred twenty days after the department receives the completed application and after all applicable regulatory permits for the aquatic easement have been acquired. This subsection applies to applications submitted before the effective date of this section, as well as to applications submitted on or after the effective date of this section. Upon request of the applicant, the department may reach a decision on an application within sixty days and charge an additional fee for an expedited processing. The fee for an expedited processing is the greater of: (a) Ten percent of the combined total of the easement charge and direct administrative costs; or (b) the cost of staff overtime, calculated at time and one-half, associated with the expedited processing.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Morris, Crouse and Hunt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1005.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1005 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1005, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2473, by Representatives Tokuda, Boldt, Dickerson, Kenney, Ogden, Chase, Dunn, Voloria, McDermott and Fromhold; by request of Governor Locke

Revising provisions for the governance of the Washington state school for the deaf.

The bill was read the second time. There being no objection, Substitute House Bill No. 2473 was substituted for House Bill No. 2473 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2473 was read the second time.

Representative Crouse moved the adoption of amendment (160):

On page 5, at the beginning of line 27, strike "shall include" and insert "the governor is encouraged to appoint"

Representative Crouse spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ogden moved the adoption of amendment (125):

On page 5, from the beginning of line 30, strike all material through "impaired;" on line 31

Renumber the remaining subsections accordingly.

Representative Ogden spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2473.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2473 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2473, having received the necessary constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2959 by Representatives Holmquist, Reardon, Clements, Hatfield, DeBolt, Kessler, Mulliken, Grant, McMorris, Berkey, Boldt, Lisk, Pflug, Morell, Anderson, Mielke, Schoesler, Cox, Sehlin, Benson, Ahern, Campbell, Linville, Esser, Sump, Ericksen, Pearson, Carrell, Nixon, Schmidt, Casada, Dunn, Talcott, Eickmeyer, Quall, Ruderman, Schindler, Bush, Alexander and Woods

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

HB 2960 by Representatives Mulliken, Chandler, Skinner, Grant, Mielke, Mitchell, Schmidt, Sehlin, Holmquist, Cox, Talcott, Buck, Boldt, Benson, Campbell, Alexander, Sump, Nixon, Pflug, Lisk, Dunn, Schindler, Bush and Woods

AN ACT Relating to rural county planning goals under the growth management act; amending RCW 36.70A.320; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2961 by Representatives Holmquist, Chandler, Crouse, Clements, Mulliken, Carrell, Sehlin, Skinner, Mielke, Schmidt, Pflug, Hankins, Nixon, Buck, Alexander, Campbell, Boldt, Benson, Anderson, Schindler, Bush and Woods

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Ecology.

HB 2962 by Representatives Reardon, Cairnes, Sehlin, Chandler, Linville, Crouse, Clements, Mulliken, Grant, Holmquist, Carrell, Skinner, Hankins, Mielke, Schmidt, Buck, Nixon, Campbell, Benson, Mitchell, Cox, Alexander, Sump, Talcott, Woods, Pflug, Dunn, Anderson, Eickmeyer, Hatfield, Kessler, Ruderman, Schindler, Bush, Casada and Pearson

AN ACT Relating to ensuring that agency rules do not exceed their statutory authorization; amending RCW 34.05.570; and adding new sections to chapter 34.05 RCW.

Referred to Committee on State Government.

HB 2963 by Representatives Holmquist, Reardon, Mielke, Linville, Mulliken, Chandler, Clements, Crouse, Grant, Carrell, Woods, Skinner, Schmidt, Mitchell, Pflug, Sehlin, Nixon, Cox, Alexander, Boldt, Buck, Benson, Schoesler, Campbell, Lisk, Talcott, Sump, Dunn, Anderson, Hatfield, Kessler, Ruderman, Schindler, Bush, Casada and Pearson

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

Referred to Committee on State Government.

HB 2964 by Representatives Reardon, Sehlin, Mulliken, Linville, Chandler, Grant, Crouse, Carrell, Skinner, Mielke, Schmidt, Pflug, Holmquist, Nixon, Buck, Boldt, Lisk, Sump, Talcott, Woods, Benson, Anderson, Hatfield, Kessler, Schindler, Bush, Casada, Alexander and Pearson

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

Referred to Committee on State Government.

HB 2965 by Representatives Holmquist, Grant, Chandler, Crouse, Mulliken, Campbell, Carrell, Clements, Sehlin, Skinner, Lisk, Pflug, Nixon, Buck, Sump, Benson, Boldt, Woods, Dunn, Talcott, Anderson, Schindler, Bush, Casada, Alexander and Pearson

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

Referred to Committee on State Government.

HB 2966 by Representatives Clements, Mielke, Mulliken, Chandler, Crouse, Holmquist, Carrell, Ballasiotes, Skinner, Esser, Lisk, Schoesler, Nixon, Talcott, Cox, Buck, Boldt,

Benson, Sump, Alexander, Ahern, Schindler, Bush, Casada, Pflug, Pearson and Woods

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2967 by Representatives Reardon, Pearson, Berkey, Schmidt, Lovick, Barlean, Cooper, Morris, Dunshee, Sehlin, Edwards, O'Brien, Sullivan, Ericksen and Pflug

AN ACT Relating to excise tax deductions for aircraft component parts used in repair or maintenance; reenacting and amending RCW 82.04.250; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2968 by Representative Cairnes

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal gross receipts tax uniformity and fairness; amending RCW 82.32.060; adding a new chapter to Title 35 RCW; and providing effective dates.

Referred to Committee on Finance.

HB 2970 by Representatives Mulliken, Grant, Mastin, Armstrong, DeBolt, Clements, Schindler, Crouse, Benson, Sehlin, Talcott, Bush, Nixon, Ahern, Pearson, Holmquist, Cox, Roach, Skinner, Dunn, Anderson, Mielke and Hatfield

AN ACT Relating to adjusting the dollar threshold for substantial development under the shoreline management act; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Local Government & Housing.

2SSB 5104 by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senator Carlson)

AN ACT Relating to using revenues under the county conservation futures levy; and amending RCW 84.34.230 and 84.34.240.

Referred to Committee on Natural Resources.

SSB 5107 by Senate Committee on State & Local Government (originally sponsored by Senators T. Sheldon, Honeyford, Hargrove and Rasmussen)

AN ACT Relating to rural county planning goals under the growth management act; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

2ESSB 5112 by Senate Committee on Transportation (originally sponsored by Senators Costa, Swecker, Fairley, Oke, Gardner, Haugen, Eide, Kohl-Welles and Patterson)

AN ACT Relating to child passenger restraint systems; amending RCW 46.61.687; and providing an effective date.

Referred to Committee on Transportation.

E2SSB 5162 by Senate Committee on Transportation (originally sponsored by Senators Benton, Finkbeiner, Johnson, Oke, Hale, Parlette, West, Rossi and Long)

AN ACT Relating to safety rest areas; amending RCW 47.12.125 and 47.12.244; adding new sections to chapter 47.38 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 5400 by Senate Committee on Economic Development & Telecommunications (originally sponsored by Senators T. Sheldon, Franklin, Shin, Regala, Costa and Gardner; by request of Governor Locke)

AN ACT Relating to clarifying the authority of the community economic revitalization board to make loans and grants to political subdivisions and federally recognized Indian tribes for public facilities; and amending RCW 43.160.060.

Referred to Committee on Trade & Economic Development.

ESSB 5670 by Senate Committee on Judiciary (originally sponsored by Senators Costa, Kline, Long, Hargrove, Prentice, Thibaudeau, Eide, Regala, Shin, Franklin, Patterson and Jacobsen)

AN ACT Relating to operating or having actual physical control of a vessel while under the influence of intoxicating liquor or any drug; amending RCW 79A.60.040 and 10.31.100; adding new sections to chapter 79A.60 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6061 by Senator Patterson

AN ACT Relating to requiring quarterly meetings of municipal firemen's pension boards; and amending RCW 41.16.030.

Referred to Committee on Appropriations.

SB 6066 by Senators Spanel and Haugen

AN ACT Relating to impact fees for fire protection facilities in urban growth areas not contiguous to a city or town; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

SSB 6233 by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe)

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

Referred to Committee on Judiciary.

SSB 6240 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Shin, Kline, Regala, Prentice and Costa)

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

Referred to Committee on Criminal Justice & Corrections.

SSB 6267 by Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

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

Referred to Committee on Judiciary.

SSB 6282 by Senate Committee on Transportation (originally sponsored by Senators Horn, Haugen, B. Sheldon, Costa, Morton, Honeyford, Hale, Stevens, Finkbeiner and Oke)

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Local Government & Housing.

SB 6287 by Senators Long and Hargrove

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

Referred to Committee on Criminal Justice & Corrections.

SB 6293 by Senators Kline and Johnson

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

Referred to Committee on Judiciary.

SSB 6301 by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Oke, Jacobsen, Spanel, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife)

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

Referred to Committee on Natural Resources.

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

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

Referred to Committee on Transportation.

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

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

Referred to Committee on Commerce & Labor.

SB 6341 by Senators Hargrove, Long, Winsley and Oke

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

Referred to Committee on Criminal Justice & Corrections.

SSB 6351 by Senate Committee on Education (originally sponsored by Senators Haugen, McAuliffe, Finkbeiner, Rasmussen, Hochstatter, Stevens, Eide, Kohl-Welles, Keiser and Oke)

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

Referred to Committee on Education.

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

AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.

Referred to Committee on Commerce & Labor.

SSB 6402 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Thibaudeau and Kline)

AN ACT Relating to legal financial obligation deductions from inmate funds and wages; and amending RCW 72.11.020, 72.09.111, and 72.65.050.

Referred to Committee on Criminal Justice & Corrections.

SB 6405 by Senators Parlette and Haugen

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

Referred to Committee on Local Government & Housing.

SSB 6409 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Hargrove, Johnson, Rossi, Rasmussen, Honeyford, Gardner, Finkbeiner and Hale)

AN ACT Relating to construction defect claims asserting property loss and damage; amending RCW 64.34.452; adding a new section to chapter 4.16 RCW; and adding a new chapter to Title 64 RCW.

Referred to Committee on Judiciary.

SSB 6422 by Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin)

AN ACT Relating to crimes involving property of another person; amending RCW 9A.48.010; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

SB 6429 by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Winsley; by request of Governor Locke and Attorney General

AN ACT Relating to expressions of benevolence, sympathy, and regret; and adding a new chapter to Title 5 RCW.

Referred to Committee on Judiciary.

SB 6430 by Senators Zarelli, McAuliffe and Oke

AN ACT Relating to high school diplomas for World War II veterans; and amending RCW 28A.230.120.

Referred to Committee on Education.

SB 6437 by Senators Gardner, Hale, Swecker, McCaslin, B. Sheldon and Haugen

AN ACT Relating to distribution of taxes by the county treasurer; and amending RCW 84.56.230.

Referred to Committee on Local Government & Housing.

SB 6465 by Senators Carlson, Gardner and Benton

AN ACT Relating to county auditors; and amending RCW 36.22.110.

Referred to Committee on Local Government & Housing.

SB 6469 by Senators Long, Costa, Hargrove and Winsley; by request of Department of Corrections, Indeterminate Sentence Review Board and Department of Social and Health Services

AN ACT Relating to information concerning mental health services provided to offenders; and amending RCW 71.34.225 and 71.05.445.

Referred to Committee on Criminal Justice & Corrections.

SB 6471 by Senators Honeyford, Rasmussen, Johnson, Sheahan, Stevens, Swecker, Shin, Parlette, Deccio, McCaslin, Hochstatter, Gardner, Hewitt, Spanel, Kastama, Regala, Eide, Oke, Hale and Keiser

AN ACT Relating to labeling of agricultural products by place of origin; adding a new section to chapter 15.04 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Ecology.

SB 6480 by Senators Eide, Morton, Keiser, Winsley and Fraser

AN ACT Relating to recycling and waste reduction; amending RCW 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and creating new sections.

Referred to Committee on Agriculture & Ecology.

SB 6484 by Senators Haugen, Swecker, Rossi, Regala, B. Sheldon, Finkbeiner, T. Sheldon, Kastama, Jacobsen, Rasmussen, Winsley and Johnson

AN ACT Relating to federal estate tax benefits for conservation easements; and amending RCW 11.98.070 and 11.96A.030.

Referred to Committee on Judiciary.

SB 6529 by Senators Gardner and Haugen

AN ACT Relating to holding or lapsing elections due to vacancies in public office; and amending RCW 29.15.190 and 42.12.040.

Referred to Committee on State Government.

SB 6530 by Senators Rasmussen, Haugen, Long, Hale and Winsley

AN ACT Relating to salvage vehicles; and amending RCW 46.12.005 and 46.12.070.

Referred to Committee on Transportation.

SB 6587 by Senators Thibaudeau and Deccio; by request of Department of Health

AN ACT Relating to eye banks; and repealing RCW 68.50.630.

Referred to Committee on Health Care.

SB 6596 by Senators McCaslin, Brown, Long, Sheahan, Johnson, Kline, Roach and West

AN ACT Relating to the number of district court judges in Spokane county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SSB 6600 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Prentice)

AN ACT Relating to authorizing unclassified position appointments in city or town police departments; and adding a new section to chapter 41.12 RCW.

Referred to Committee on Commerce & Labor.

SSB 6626 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Shin, Jacobsen, Parlette, Horn, B. Sheldon and McAuliffe)

AN ACT Relating to a study of the role, mission, and structure of branch campuses by the Washington state institute for public policy; and creating a new section.

Referred to Committee on Higher Education.

SSB 6635 by Senate Committee on Judiciary (originally sponsored by Senators Kastama, Kline and Rasmussen)

AN ACT Relating to a notice and appeal process for animal control authorities; amending RCW 16.08.070, 16.08.080, and 16.08.100; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SSB 6650 by Senate Committee on Education (originally sponsored by Senators Shin, Sheahan, Long, McAuliffe, Eide, Keiser, Benton, Oke and Rasmussen)

AN ACT Relating to classroom remembrances of the September 11, 2001, terrorist attacks; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

SSB 6658 by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Poulsen, Hale, Regala, Morton, Fraser, Keiser and Rasmussen)

AN ACT Relating to clarifying the types of energy conservation projects a public utility may assist its customers in financing; amending RCW 35.92.360 and 54.16.280; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

SB 6691 by Senator Spanel

AN ACT Relating to authorizing less-than-countywide port districts with five commissioners with three commissioner districts and two at large commissioner districts to create five port commissioner districts; and amending RCW 53.12.010.

Referred to Committee on Local Government & Housing.

SB 6709 by Senators Eide, Costa, Rasmussen, Thibaudeau, Prentice, Fraser, Kohl-Welles, McAuliffe, Haugen and Keiser

AN ACT Relating to coordinated service and education planning for children in out-of-home care; adding a new section to chapter 74.13 RCW; and providing an expiration date.

Referred to Committee on Children & Family Services.

ESB 6769 by Senators Honeyford, Prentice, Rasmussen and Hochstatter

AN ACT Relating to shepherd housing; amending RCW 70.114A.020; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Commerce & Labor.

SB 6777 by Senators Parlette and Rasmussen

AN ACT Relating to selling apples for fresh consumption; and amending RCW 15.17.210.

Referred to Committee on Agriculture & Ecology.

SJM 8005 by Senators Fraser, Swecker, Spanel, Patterson, Thibaudeau, Hargrove, Gardner, Costa, Prentice, Eide, Franklin, Regala, Jacobsen, Kline and Kohl-Welles

Petitioning Congress to strengthen vessel safety standards.

Referred to Committee on Agriculture & Ecology.

SJM 8007 by Senators Shin, Costa, Roach, Prentice, Rasmussen, Regala and Patterson

Requesting a specific domain designation for internet pornography websites.

Referred to Committee on Technology, Telecommunications & Energy.

ESJM 8023 by Senators Hale, Fraser, Eide, Regala and Roach

Requesting full funding for the cleanup of the Hanford Reservation.

Referred to Committee on Agriculture & Ecology.

SSJM 8026 by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Fraser, Honeyford and Regala)

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Technology, Telecommunications & Energy.

2SSB 5480 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Fairley, McAuliffe, Eide, Rasmussen, Long, Thibaudeau, Kline, Franklin, Kohl-Welles, Regala and McCaslin)

AN ACT Relating to children placed in the care of relatives; and creating new sections.

Referred to Committee on Children & Family Services.

SSB 6313 by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senator Oke)

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

Referred to Committee on Natural Resources.

SB 6526 by Senators Keiser and Winsley; by request of Insurance Commissioner

AN ACT Relating to renewing contracts of insurance that are subject to RCW 48.18.290; and amending RCW 48.18.2901.

Referred to Committee on Financial Institutions & Insurance.

SB 6601 by Senators Prentice, Rasmussen, Kohl-Welles, McAuliffe and Hale

AN ACT Relating to allowing a licensed distiller, domestic brewery, microbrewery, or domestic winery to sell liquor at a spirits, beer, and wine restaurant located on contiguous property that is leased by that licensed distiller, domestic brewery, microbrewery, or domestic winery; and amending RCW 66.28.010.

Referred to Committee on Commerce & Labor.

SB 6627 by Senators Costa, Long, Hargrove, Kline, Kohl-Welles and Winsley

AN ACT Relating to community service; amending RCW 7.80.130, 7.80.160, 7.84.110, 7.84.130, 9.94A.505, 9.94A.589, 9.94A.634, 9.94A.650, 9.94A.660, 9.94A.670, 9.94A.680, 9.94A.700, 9.94A.720, 9.94A.737, 9.94A.850, 9.95.435, 10.98.040, 13.40.020, 13.40.0357, 13.40.080, 13.40.160, 13.40.165, 13.40.180, 13.40.200, 13.40.205, 13.40.250, 35.21.209, 35A.21.220, 36.16.139, 46.16.381, 46.20.031, 46.30.020, 46.63.110, 46.63.120, 46.64.055, 51.12.035, 51.12.045, 66.20.200, 66.44.291, 66.44.325, 69.50.425, 70.93.060, 70.155.080, 72.09.060, 72.09.100, 72.09.260, and 79A.05.050; amending 1990 c 66 s 1 (uncodified); reenacting and amending RCW 9.94A.030, 13.40.210, 28A.225.090, and 70.93.250; and providing an effective date.

Referred to Committee on Criminal Justice & Corrections.

SB 6763 by Senators Costa, Hargrove, Long, Carlson, Winsley and Kohl-Welles

AN ACT Relating to a task force on funding for community-based services to victims of crime; adding a new section to chapter 43.31 RCW; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

There being no objection, the rules were suspended and House Bill No. 2959 was placed on the second reading calendar for the next working day:

MOTION

Representative Chandler moved that the rules be suspended and House Bill No. 2961 be placed on the second reading calendar.

Representative Chandler spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Electronic roll call on the motion was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2961 on the second reading calendar and the motion failed by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

MOTION

Representative DeBolt moved that the rules be suspended and House Bill No. 2962 be placed on the second reading calendar.

Representative DeBolt spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Electronic roll call on the motion was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2962 on the second reading calendar and the motion failed the House by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

MOTION

Representative Holmquist moved that the rules be suspended and House Bill No. 2963 be placed on the second reading calendar.

Representative Holmquist spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Electronic roll call on the motion was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2963 on Second Reading and the motion failed the House by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

MOTION

Representative McMorris moved that the rules be suspended and House Bill No. 2964 be placed on the second reading calendar.

Representative McMorris spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Electronic roll call on the motion was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2964 on Second Reading and the motion failed the House by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

MOTION

Representative Clements moved that the rules be suspended and House Bill No. 2966 be placed on the second reading calendar.

Representative Clements spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Electronic roll call on the motion was requested.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2966 on Second Reading and the motion failed the House by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 50.

There being no objection, the bills listed on the day's Introduction and First Reading sheet under the fourth order were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:30 a.m., February 16, 2002, the 34th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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 Second Reading 8

2308-S
 Second Reading 8
 Third Reading Final Passage 9

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2324-S
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2378
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2470-S
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2492-S
Second Reading 15
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2513-S
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2522
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2522-S
Second Reading Amendment 17
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Second Reading Amendment 5
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2532
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2532-S
Second Reading Amendment 7
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Second Reading 18

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Second Reading 20

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Second Reading 20
Third Reading Final Passage 20

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Third Reading Final Passage 21

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2611-S
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2617
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 Third Reading Final Passage 23

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 Second Reading 23

2648-S
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 Third Reading Final Passage 23

2678
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2697
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2697-S2
 Second Reading Amendment 24
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2710
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2710-S
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2736-S
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2841
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2893
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JOURNAL OF THE HOUSE

THIRTY THIRD DAY, FEBRUARY 15, 2002

OPR --

OPR --

OPR --

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 16, 2002

The House was called to order at 9:30 a.m. by the Speaker (Representative Ogden presiding).
The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Caroline Gould and Robin Knutson. Prayer was offered by Representative Doug Ericksen.

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

MESSAGES FROM THE SENATE

February 15, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5376,
SUBSTITUTE SENATE BILL NO. 6248,
SUBSTITUTE SENATE BILL NO. 6264,
SENATE BILL NO. 6323,
SUBSTITUTE SENATE BILL NO. 6327,
SUBSTITUTE SENATE BILL NO. 6393,
SENATE BILL NO. 6420,
SUBSTITUTE SENATE BILL NO. 6426,
SUBSTITUTE SENATE BILL NO. 6474,
SUBSTITUTE SENATE BILL NO. 6515,
SENATE BILL NO. 6538,
SUBSTITUTE SENATE BILL NO. 6553,
SUBSTITUTE SENATE BILL NO. 6575,
SUBSTITUTE SENATE BILL NO. 6629,
SENATE BILL NO. 6725,
SUBSTITUTE SENATE BILL NO. 6751,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 15, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5833,
SUBSTITUTE SENATE BILL NO. 5965,
SENATE BILL NO. 6253,
SENATE BILL NO. 6317,
SENATE BILL NO. 6374,
SENATE BILL NO. 6375,
SENATE BILL NO. 6376,
SENATE BILL NO. 6377,
SENATE BILL NO. 6378,
SENATE BILL NO. 6381,
SENATE BILL NO. 6383,
SENATE BILL NO. 6389,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6400,
SUBSTITUTE SENATE BILL NO. 6407,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6412,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6414,
ENGROSSED SENATE BILL NO. 6456,
SUBSTITUTE SENATE BILL NO. 6473,
SUBSTITUTE SENATE BILL NO. 6488,
SENATE BILL NO. 6497,
SENATE BILL NO. 6510,
SENATE BILL NO. 6511,

SUBSTITUTE SENATE BILL NO. 6513,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6570,
SENATE BILL NO. 6584,
SENATE BILL NO. 6685,
SENATE BILL NO. 6779,
SUBSTITUTE SENATE BILL NO. 6787,
SENATE BILL NO. 6788,
SENATE JOINT MEMORIAL NO. 8038,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 15, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5823,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6060,
SENATE BILL NO. 6379,
SUBSTITUTE SENATE BILL NO. 6478,
SENATE BILL NO. 6492,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6700,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

SECOND READING

HOUSE BILL NO. 2505, by Representatives O'Brien, Ballasiotes, Lantz, Haigh, Lovick, Ruderman, Schual-Berke, Crouse, Campbell, Delvin, Hurst, Lisk, Buck, Benson and Bush

Penalizing unlawful instruction in civil disorder.

The bill was read the second time. There being no objection, Substitute House Bill No. 2505 was substituted for House Bill No. 2505 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2505 was read the second time.

There being no objection, amendments (063) and (079) were withdrawn.

Representative O'Brien moved the adoption of amendment (139):

On page 1, at the beginning of line 10, insert "significant"

On page 1, line 15, after "causing" insert "significant"

On page 2, line 9, after "violence" strike all material through "individual" on line 11 and insert "that is intended to cause an immediate danger of, or to result in, significant injury to the person of any other individual"

Representatives O'Brien and Ballasiotes spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives O'Brien, Ballasiotes and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2505.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2505 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2505, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2518, by Representatives Edwards, Dunshee, Lovick, Berkey and Kirby

Authorizing health districts to issue civil penalties.

The bill was read the second time. There being no objection, Substitute House Bill No. 2518 was substituted for House Bill No. 2518 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2518 was read the second time.

With the consent of the House, amendment (083) was withdrawn.

Representative Darneille moved the adoption of amendment (103):

On page 1, line 19, after "regulation" insert "relating to environmental health"

Representatives Darneille, Mulliken and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Mulliken moved the adoption of amendment (107):

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 70.05 RCW to read as follows:
Any fines or penalties collected pursuant to RCW 70.05.060 (3) shall be transmitted monthly by the district to the state treasurer. Quarterly, the treasurer shall disburse any amounts collected under this section to cities and counties. The formula used to distribute the funds shall be based on the revenues that cities and counties would have received if the motor vehicle excise tax had not been repealed."

Correct the title.

Representatives Mulliken spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mulliken moved the adoption of amendment (108):

On page 2, after line 13, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 70.05 RCW to read as follows:
The department of health shall establish a certification program and certification standards that all health officers must pass in order to be qualified to levy civil penalties for violations of public health statutes, rules, or regulations."

Correct the title.

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Edwards and Dunshee spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2518 and the bill passed the House by the following vote: Yeas - 58, Nays - 40, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Berkey, Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Vloria, Wood, and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, and Woods - 40.

Engrossed Substitute House Bill No. 2518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2015, by Representatives McIntire, Hatfield, Benson, Bush, Ruderman, Schual-Berke, Conway, Kenney, Keiser and Hurst

Protecting personal information.

The bill was read the second time. There being no objection, Substitute House Bill No. 2015 was substituted for House Bill No. 2015 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2015 was read the second time.

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

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2015.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2015 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2015, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2671, by Representatives Linville, Romero, Reardon, Simpson, Gombosky, Grant, Veloria, Kessler, Conway, Doumit, Hatfield, Ogden, Morris, Kenney, Dickerson, Edwards, Chase, Schual-Berke, Wood, Rockefeller, Jackley, Kagi and McDermott

Creating the permit assistance center in the department of ecology.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2671 was substituted for House Bill No. 2671 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2671 was read the second time.

Representative Linville moved the adoption of amendment (183):

On page 7, after line 31, insert the following:

"(10) For permits it coordinates, the permit assistance center shall coordinate all cost-reimbursement agreements executed under RCW 43.21A.690, 43.30.420, 43.70.630, 43.300.080, and 70.94.085."

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of amendment (227):

On page 10, after line 14, insert the following:

"NEW SECTION. **Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Linville and Romero spoke in favor of passage of the bill.

Representatives Schoesler and Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2671.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2671 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Barlean, Berkey, Bush, Campbell, Carrell, Chandler, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Uptegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Armstrong, Ballard, Ballasiotes, Benson, Boldt, Buck, Cairnes, Casada, Clements, Cox, Crouse, Delvin, Dunn, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Orcutt, Schindler, Schoesler, Skinner, and Sump - 26.

Engrossed Second Substitute House Bill No. 2671, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2847, by Representatives Cooper, Roach, Berkey, Cairnes, Linville, Esser, Kirby, Reardon, Casada, Doumit, Ogden, Chase and Pearson

Improving water quality through sound storm water management.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2847 was substituted for House Bill No. 2847 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2847 was read the second time.

There being no objection, amendments (210) and (209) were withdrawn.

Representative Cooper moved the adoption of amendment (175):

On page 6, beginning on line 5, strike "and other resource agencies"

Representative Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Cooper, Roach, and Schoesler spoke in favor of passage of the bill.

Representative Upthegrove spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2847.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2847 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representatives Schual-Berke, and Upthegrove - 2.

Engrossed Second Substitute House Bill No. 2847, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1011, by House Committee on Finance (originally sponsored by Representatives Campbell, Conway, Benson, Mielke, Skinner, Pennington, DeBolt,

Delvin, Ogden, Esser, Reardon, Linville, Pearson, Alexander, Barlean, Ericksen, Carrell, Morell, Dunn, Van Luven, O'Brien, Ahern and Talcott)

Providing a property tax exemption to veterans with severe disabilities.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1011 was substituted for Substitute House Bill No. 1011 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1011 was read the second time.

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

Representatives Campbell and Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1011.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1011 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representatives Dickerson, and Sommers - 2.

Second Substitute House Bill No. 1011, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1612, by Representative Romero; by request of Washington State Patrol

Adding an ex officio member to the building code council.

The bill was read the second time.

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

Representative Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1612.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1612 and the bill passed the House by the following vote: Yeas - 89, Nays - 9, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 89.

Voting nay: Representatives Ahern, Benson, Buck, Chandler, Crouse, Lisk, Orcutt, Schoesler, and Sump - 9.

House Bill No. 1612, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2289, by Representatives Linville and Schoesler; by request of Department of Agriculture

Regulating planting stock certification and nursery improvement programs.

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2289.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2289 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2289, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2294, by Representatives Hatfield, Doumit, Kessler, Eickmeyer, Lantz, Rockefeller, Wood, Mielke, Boldt, Benson, Edwards, Upthegrove and Dunn

Allowing the department of natural resources to seek volunteers to maintain recreation sites.

The bill was read the second time. There being no objection, Substitute House Bill No. 2294 was substituted for House Bill No. 2294 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2294 was read the second time.

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

Representative Hatfield spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2294.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2294 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2294, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2313, by Representatives Lantz, Anderson, Rockefeller, Kenney, Ogden, Upthegrove, Kagi, Dunn and Esser; by request of Secretary of State

Allowing electronic filing and registration for charities, corporations, and partnerships.

The bill was read the second time.

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

Representatives Lantz and Anderson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2313.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2313 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2313, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2345, by Representatives Lovick, Delvin, O'Brien, Morell, Berkey, Casada, Conway and Wood

Allowing noninjury accidents to clear the roadway.

The bill was read the second time.

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

Representatives Lovick and Delvin spoke in favor of passage of the bill.

Representative Holmquist spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2345.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2345 and the bill passed the House by the following vote: Yeas - 84, Nays - 14, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 84.

Voting nay: Representatives Armstrong, Ballard, Boldt, Chandler, Clements, Crouse, Holmquist, Lisk, McMorris, Mielke, Mulliken, Schindler, Sehlin, and Sump - 14.

House Bill No. 2345, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2353, by Representatives Alexander, Lantz, Miloscia and Esser; by request of Governor Locke and Attorney General

Providing for loss prevention review teams.

The bill was read the second time. There being no objection, Substitute House Bill No. 2353 was substituted for House Bill No. 2353 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2353 was read the second time.

Representative Alexander moved the adoption of amendment (218):

*

Representatives Anderson and Lantz spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Alexander and Lantz spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2353.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2353 and the bill passed the House by the following vote: Yeas - 85, Nays - 13, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Ballard, Ballasiotes, Benson, Boldt, Carrell, Crouse, Dunn, Mastin, Mielke, Mitchell, Orcutt, and Schindler - 13.

Engrossed Substitute House Bill No. 2353, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4695, By Representatives Pearson, O'Brien, Rockefeller, Jackley, Benson, Cox, Sump, Campbell, Boldt, Crouse, Bush, Dunshee, Berkey, Barlean and Schoesler

get text

Representative Pearson moved the adoption of the resolution.

Representatives Pearson, Murray and Buck spoke in favor of the adoption of the resolution.

House Resolution No. 4695 was adopted.

SECOND READING

HOUSE BILL NO. 2879, by Representatives Hurst, Lisk, Mulliken, Woods, Buck, Kirby, Simpson, Barlean, Fromhold, Edwards, Haigh, Morris, Kessler, Jackley, O'Brien, Sullivan, Lovick, Berkey, Pflug, Ballasiotes, Campbell, Esser, Alexander, Chase and Conway; by request of Governor Locke and Attorney General

Providing penalties and remedies for terrorism offenses.

The bill was read the second time. There being no objection, Substitute House Bill No. 2879 was substituted for House Bill No. 2879 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2879 was read the second time.

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

Representatives Hurst, Lisk, Buck and Morris spoke in favor of passage of the bill.

Representatives Veloria and Schual-Berke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2879.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2879 and the bill passed the House by the following vote: Yeas - 82, Nays - 16, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Van Luven, Wood, Woods, and Mr. Speaker - 82.

Voting nay: Representatives Cody, Darneille, Fisher, Hunt, Kenney, Lysen, McDermott, McIntire, Miloscia, Murray, Romero, Santos, Schual-Berke, Tokuda, Upthegrove, and Veloria - 16.

Substitute House Bill No. 2879, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2879.

MARALYN CHASE, 32nd District

HOUSE BILL NO. 2416, by Representatives Hurst, Lisk, O'Brien, Ballasiotes, Buck, Kirby, Lovick and Haigh

Authorizing additional investigative tools to deter terrorism.

The bill was read the second time. There being no objection, Substitute House Bill No. 2416 was substituted for House Bill No. 2416 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2416 was read the second time.

Representative Lantz moved the adoption of amendment (233):

233

Representatives Lantz, Rockefeller and McIntire spoke in favor of the adoption of the amendment.

Representatives Hurst, Lisk and Clements spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Hurst, Carrell, Santos and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kessler, Kirby, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlín, Simpson, Skinner, Sullivan, Sump, Talcott, Van Luven, Woods, and Mr. Speaker - 77.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Dickerson, Dunshee, Fisher, Kagi, Kenney, Lantz, Linville, Lysen, McDermott, McIntire, Murray, Schual-Berke, Sommers, Tokuda, Upthegrove, Veloria, and Wood - 21.

Substitute House Bill No. 2416, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2411, by Representatives Haigh, Schmidt, Hurst and Buck; by request of Governor Locke and Attorney General

Protecting certain domestic security records.

The bill was read the second time. There being no objection, Substitute House Bill No. 2411 was substituted for House Bill No. 2411 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2411 was read the second time.

Representative * moved the adoption of amendment (178) *:

178

Representatives Haigh and Lisk spoke in favor of the adoption of the amendment.

Representative * spoke against the adoption of the amendment.

The amendment * was adopted.

Representative Campbell moved the adoption of amendment (215) *:

215

Representatives Campbell and Hurst spoke in favor of the adoption of the amendment.

Representative * spoke against the adoption of the amendment.

The amendment * was adopted.

The bill was ordered engrossed.

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

Representatives Haigh, Lisk, Schmidt, spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2411.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2411 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representatives Murray, and Veloria - 2.

Engrossed Substitute House Bill No. 2411, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2319, by Representatives Buck, Jackley, Lisk, O'Brien, Barlean, Kessler, Schmidt, Ballasiotes, Morris, Benson, Anderson, Haigh and Esser

Revising provisions for emergency management.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Select Committee on Community Security was adopted. (For committee amendment(s), see Journal, 23rd Day, February 5, 2002, 2002.)

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

Representatives Buck, Hurst, spoke in favor of passage of the bill.

Representatives * spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2319.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2319 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed House Bill No. 2319, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2385, by Representatives Jackley, Schmidt, Simpson, Barlean, Hurst, Ballasiotes, Benson, Haigh, Morell and Miloscia

Adding members to the emergency management council.

The bill was read the second time. There being no objection, Substitute House Bill No. 2385 was substituted for House Bill No. 2385 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2385 was read the second time.

Representative * moved the adoption of amendment (234) *:

234

Representatives * spoke in favor of the adoption of the amendment.

Representative * spoke against the adoption of the amendment.

The amendment * was adopted.

The bill was ordered engrossed.

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

Representatives Jackley, Schmidt, Ogden and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2385.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2385 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2385, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2419, by Representatives Simpson, Conway, Morris, Cooper, Schmidt, Kirby, Lovick, Wood, Haigh, Kenney, Chase, Schual-Berke and Jackley; by request of Governor Locke and Attorney General

Prohibiting price gouging during significant disruption, emergency, or disaster.

The bill was read the second time. There being no objection, Substitute House Bill No. 2419 was substituted for House Bill No. 2419 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2419 was read the second time.

Representative Benson moved the adoption of amendment (224):

On page 2, line 3, after "action" strike everything through "RCW" on line 6

On page 3, line 13, after "under" strike everything through "or" on line 14

On page 3, line 22, after "under" strike everything through "or" on line 23

Representatives Benson and Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the House deferred action on Substitute House Bill No. 2419 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2661, by Representative Hurst; by request of Governor Locke and Attorney General

Licensing and regulating money transmitters and currency exchangers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2661 was substituted for House Bill No. 2661 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2661 was read the second time.

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

Representatives Hurst and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2661.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2661 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2661, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2853, by Representatives Morris, Hurst, Schmidt, Barlean, Buck, Simpson, Schual-Berke, Cooper, Haigh, Benson, Ballasiotes, O'Brien, Anderson, Chase, Upthegrove, Linville and Rockefeller

Requiring the emergency management council to identify critical infrastructure in the state.

The bill was read the second time. There being no objection, Substitute House Bill No. 2853 was substituted for House Bill No. 2853 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2853 was read the second time.

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

Representatives Morris and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2853.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2853 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2853, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2854, by Representatives Schual-Berke, Haigh, Morris, Barlean, O'Brien, Hurst, Hatfield, Anderson, Chase, Upthegrove and Rockefeller

Coordinating planning and reporting with regard to a bioterrorism incident.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2854 was substituted for House Bill No. 2854 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2854 was read the second time.

Representative Schual-Berke moved the adoption of amendment (236):

On page 2, line 35, strike "additional"

On page 2, line 36, after "necessary to" add "meet federal requirements or"

On page 3, beginning on line 15, strike all of subsection (6) of section 2 and insert the following:

"(6) The department shall submit the completed plan, the results of the analysis conducted under subsection (2) of this section, and any recommended statutory changes necessary to implement the plan to the legislature no later than December 1, 2002."

Representatives Schual-Berke and Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schual-Berke moved the adoption of amendment (240):

On page 3, after line 18, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 43.70 RCW to read as follows:
If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such finding or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The plan created under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Schual-Berke and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2854.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2854 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed Second Substitute House Bill No. 2854, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4022, by Representatives Linville, Morris, Barlean, Schual-Berke, Kessler, Conway, Lysen, O'Brien, Benson, Schmidt, Ballasiotes, Kenney and Ericksen

Urging Canadian and United States authorities to address border issues.

The joint memorial was read the second time.

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

Representatives Linville, Van Luven, Morris and Ericksen spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4022.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4022 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell,

Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Joint Memorial No. 4022, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4023, by Representatives Morris, Barlean, Schual-Berke, Kessler, Conway, Schmidt, Lysen, Wood, Ballasiotes, O'Brien, Upthegrove, Edwards, Kenney, Anderson and Kagi

Supporting the development of an action plan for regional infrastructure security.

The joint memorial was read the second time.

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

Representatives Morris and Lisk spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4023.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4023 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Joint Memorial No. 4023, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4027, by Representatives Hurst, Jackley, Morris, Schmidt, Simpson, O'Brien, Barlean, Hatfield, Santos, Cooper, Buck, Schual-Berke, Haigh, Lisk, Campbell, Ballasiotes, Kenney, Morell, Pflug, Chase and Linville

Petitioning the federal government for assistance for the property and casualty insurance market.

The joint memorial was read the second time.

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

Representatives Hurst and Benson spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of House Joint Memorial No. 4027.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4027 and the memorial passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Joint Memorial No. 4027, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Lisk thanked Representative Hurst for his hard work on and dedication to the issues of community security. She indicated that though this was not a committee she actively sought, she had benefited by serving on it and from her association with the Representative from the 31st District.

MESSAGE FROM THE SENATE

February 16, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 6713,

Brad Hendrickson, Deputy Secretary

February 16, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5352,
SECOND SUBSTITUTE SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 6257,
SUBSTITUTE SENATE BILL NO. 6284,
SENATE BILL NO. 6292,
SUBSTITUTE SENATE BILL NO. 6329,
SUBSTITUTE SENATE BILL NO. 6342,
SECOND SUBSTITUTE SENATE BILL NO. 6356,
SUBSTITUTE SENATE BILL NO. 6468,
SENATE BILL NO. 6483,
SENATE BILL NO. 6491,
SUBSTITUTE SENATE BILL NO. 6582,
SENATE JOINT MEMORIAL NO. 8034,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 16, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5425,
SUBSTITUTE SENATE BILL NO. 5700,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5827,
ENGROSSED SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6254,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6326,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6350,
SUBSTITUTE SENATE BILL NO. 6364,
SENATE BILL NO. 6460,
ENGROSSED SENATE BILL NO. 6505,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524,
ENGROSSED SENATE BILL NO. 6525,
SUBSTITUTE SENATE BILL NO. 6537,
SENATE BILL NO. 6539,
SUBSTITUTE SENATE BILL NO. 6572,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6619,
SUBSTITUTE SENATE BILL NO. 6625,
SENATE BILL NO. 6628,
SENATE BILL NO. 6652,
SENATE BILL NO. 6737,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

HOUSE BILL NO. 2391, by Representatives Conway, Doumit, Delvin, Morell, Linville, Talcott, Edwards, Lovick, O'Brien, Haigh, Simpson, Esser and Jackley; by request of Joint Committee on Pension Policy

Authorizing part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

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

Representatives Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2391.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2391 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit,

Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2391, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2404, by Representatives Berkey, Gombosky, Morris and McIntire; by request of Department of Revenue

Implementing the federal mobile telecommunications sourcing act.

The bill was read the second time.

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

Representative Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2404.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2404 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2404, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2323, by Representatives Hatfield, Buck, Doumit and Linville

Creating the direct retail license for commercial fishers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2323 was substituted for House Bill No. 2323 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2323 was read the second time.

Representative Hatfield moved the adoption of amendment (222):

On page 4, line 17, after "inspection," strike "within"
On page 4, line 17, after "hours" strike "of" and insert "before"

Representative Hatfield spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Hatfield moved the adoption of amendment 9223):

On page 4, line 29, after "manner." add "For the purposes of this subsection, the department or a local health district shall not be deemed to be acting recklessly for not conducting a permissive inspection."

Representative Hatfield spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Doumit, Buck and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2323

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2323 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Voting nay: Representative Delvin - 1.

Engrossed Substitute House Bill No. 2323, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2605, by Representatives O'Brien, Morell, Jackley and Lovick

Changing provisions relating to aggregating value for purposes of determining the degree of theft.

The bill was read the second time.

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

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2605.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2605 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 98.

House Bill No. 2605, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2866, by Representatives Doumit, Sump, Reardon, Schoesler, Linville, Kessler, Morris, Mulliken, Hatfield, Pearson, Grant, Armstrong and McMorris

Limiting overlapping jurisdiction regarding the permitting of storm water projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 2866 was substituted for House Bill No. 2866 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2866 was read the second time.

There being no objection, amendment (220) was withdrawn.

Representative Doumit moved the adoption of amendment (239):

Beginning on page 7, on line 23, strike all of sections 4 and 5 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 77.55 RCW to read as follows:

(1) The regulation of storm water projects is the primary responsibility of the department of ecology and local governments under chapter 90.48 RCW. Notwithstanding any other provision of this chapter, all hydraulic project approvals related to storm water discharges must follow the provisions established in this section.

(2) Once the department of ecology or a local government has approved a storm water project that is consistent with the guidelines contained in the department of ecology's adopted storm water manual, or its equivalent, a hydraulic project approval is only required for the actual construction of any storm water outfall or associated structures pursuant to this chapter. The department may not in these instances deny or condition hydraulic project approvals for water quality or quantity impacts arising from storm water discharges for which the structure is being installed.

(3)(a) In any other location the department may issue hydraulic project approvals that contain provisions that protect fish life from adverse effects, such as scouring or erosion of the bed of the water body, resulting from the direct hydraulic impacts of the discharge.

(b) Prior to the issuance of a hydraulic project approval issued under this subsection (3), the department must:

(i) Make a finding that the discharge from the outfall will cause harmful effects to fish life;

(ii) Transmit the findings to the applicant and to the city or county where the project is being proposed; and

(iii) Allow the applicant an opportunity to use local ordinances or other mechanisms to avoid the adverse effects resulting from the direct hydraulic discharge.

(c) After following the procedures set forth in (b) of this subsection, the department may issue a hydraulic project approval that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. The department may recommend, but not specify, the measures required to meet these discharge rates. The department may not require changes to the project design above the mean higher high water mark of marine waters, or the ordinary high water mark of fresh waters of the state. Nothing in this section alters any authority the department may have to regulate other types of projects under this chapter."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Doumit and Sump spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Doumit, Sump, Rockefeller and Sump (again) spoke in favor of passage of the bill.

Representative Upthegrove spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2866.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2866 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kessler, Kirby, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Van Luven, Woods, and Mr. Speaker - 74.

Voting nay: Representatives Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Fisher, Hunt, Hurst, Jarrett, Kagi, Kenney, Lantz, Lysen, McDermott, McIntire, Romero, Schual-Berke, Simpson, Tokuda, Upthegrove, Veloria, and Wood - 24.

Engrossed Substitute House Bill No. 2866, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 2419, by House Committee on Select Committee on Community Security (originally sponsored by Representatives Simpson, Conway, Morris, Cooper, Schmidt, Kirby, Lovick, Wood, Haigh, Kenney, Chase, Schual-Berke and Jackley; by request of Governor Locke and Attorney General)

Prohibiting price gouging during significant disruption, emergency, or disaster.

Representative Benson moved the adoption of amendment (225):

Strike everything after the enacting clause and insert the following:

“NEW SECTION. Sec. 1. The legislature finds that consumers are vulnerable to price gouging or clearly excessive pricing during times of abnormal market conditions caused by significant disruptions, emergencies, or disasters. The legislature declares that excessive and unjustified increases in retail prices charged during abnormal market conditions as defined in section 2 of this act should be prohibited.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 1 through 4 of this act unless the context clearly requires otherwise.

(1) "Abnormal market conditions" means those instances of significant disruption to the marketplace caused by terrorist acts, civil disorder, war, or military action; extreme weather conditions; or convulsion of nature, including earthquake, tornado, tsunami, volcanic activity, fire, flood, or storm; and any emergency or disaster as set forth in chapters 43.06 and 38.52 RCW.

(2) "Person" has the same meaning as provided under RCW 19.86.010.

(3) "Essential consumer good or service" means a retail good or service that is used, bought, or rendered primarily for personal, family, or household purposes, and is necessary for consumption or use during a period of abnormal market condition, including food items; emergency supplies; medical supplies; building materials; fuel; transportation services; storage services; and temporary housing.

(4) "Food item" means any article that is used or intended for use for food or drink by a person or animal.

(5) "Emergency supplies" includes but is not limited to water, flashlights, fire extinguishers, radios, batteries, candles, blankets, soaps, diapers, temporary shelters, tape, toiletries, and portable fossil-fueled electric generators.

(6) "Medical supplies" includes but is not limited to prescription and nonprescription medications, bandages, gauze, isopropyl alcohol, and antibacterial products.

(7) "Building materials" includes lumber, construction tools, nails, windows, and other products used to protect, repair, build, or rebuild property.

(8) "Fuel" includes oil or propane used for home heating, or any fuel used to power any motor vehicle, portable electric generator, or power tool.

(9) "Transportation services" includes any service that is performed by any person who contracts to move or transport persons or personal or business property, or rents equipment for such purposes.

(10) "Storage services" includes any service that is performed by any person who contracts to store personal or business property or rents equipment for such purposes.

(11) "Temporary housing" includes any rental housing or office space leased on a temporary or short-term basis to a person who has been displaced from his or her dwelling, housing, or office space because of a significant disruption, emergency, or disaster.

(12) "Emergency cleanup, repair, or reconstruction services" means services provided and equipment used to clear or remove debris or other material that poses a public safety or health hazard and to repair residential or commercial property of any type to a safe and habitable condition.

NEW SECTION. Sec. 3. (1) In addition to the powers in chapters 43.06 and 38.52 RCW for the governor to make disaster or emergency proclamations, for purposes of triggering the provisions in sections 1 through 4 of this act, the governor is also hereby empowered to make and to rescind a proclamation of an abnormal market condition as defined in section 2 of this act.

(2) Upon the proclamation by the governor under chapters 43.06 and 38.52 RCW or sections 1 through 4 of this act of an abnormal market condition, and for a period of thirty days following the proclamation, or a lesser time period if the proclamation is rescinded, it is unlawful for any person to sell or offer to sell at retail any essential consumer good or service within the area designated in the proclamation at a clearly excessive increase in price above the price charged by that person for such goods or services immediately prior to the proclamation as specified in section 4 of this act.

(3) Upon the proclamation by the governor under chapters 43.06 and 38.52 RCW or sections 1 through 4 of this act of an abnormal market condition, and for a period of ninety days following the proclamation, or a lesser time period if the proclamation is rescinded, it is unlawful for any person to sell or offer to sell at retail any emergency cleanup, repair, or reconstruction service within the area

designated in the proclamation at a clearly excessive increase in price above the price charged by that person for such goods or services immediately prior to the proclamation as defined in section 4 of this act.

(4) An increase in price is not unlawful if the higher price charged reflected reasonable expenses in addition to the prior price of the goods or services but such reasonable expenses are limited to those which are necessarily incurred in procuring or delivering such goods and services during the period of time set forth in subsections (2) and (3) of this section. A price increase in excess of fifteen percent not tied to the reasonable expenses necessarily incurred in procuring or delivering an essential consumer good or service during the period of time set forth in subsections (2) and (3) of this section is prima facie evidence of a clearly excessive price increase.

(5) Any person who sold or had offered to sell an essential consumer good or service, or emergency cleanup, repair, or reconstruction service at a temporarily discounted or reduced price immediately prior to the proclamation as set forth in this section may use the price at which the person normally or usually sold the good or service for purposes of determining whether a price increase violates sections 1 through 4 of this act.

(6) The governor may extend the time periods set forth in subsections (2) and (3) of this section for additional thirty-day periods by issuing a renewed proclamation, upon a finding that the abnormal market condition continues and that any such extension is deemed necessary to protect the health, safety, or welfare of the citizens of the state.

(7) The governor may rescind an emergency proclamation made in accordance with subsection (1) of this section upon a finding that no abnormal market conditions exist.

(8) Any individual who violates any provision of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 4. (1) The provisions of sections 1 through 4 of this act do not apply to persons whose activities or transactions as to prices for goods or services are subject to regulation by the Washington utilities and transportation commission or the federal energy regulatory commission.

(2) Persons who merely provide advertising and related services for persons engaged in making offers to sell goods or perform services shall not be deemed to be making any offer to sell any goods or perform any services for purposes of sections 1 through 4 of this act.

(3) In any action against a person under the provisions of sections 1 through 4 of this act, the defendant shall be deemed not to have violated sections 1 through 4 of this act if the defendant proves all of the following:

(a) The violation of the price limitation was unintentional;

(b) The defendant voluntarily rolled back prices to a level permitted under sections 1 through 4 of this act upon discovering that this section was or may have been violated; and

(c) The defendant has instituted a restitution program for all consumers who may have paid excessive prices.

(4) Subsequent remedial measures are not admissible as evidence of a violation of sections 1 through 4 of this act.

NEW SECTION. Sec. 5. This act shall be known as the "Preventing Price Gouging During Emergencies and Disasters Act."

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 19 RCW."

Representatives Benson, Matson, Mulliken, DeBolt and Nixon spoke in favor of the adoption of the amendment.

Representatives Simpson, Kessler and Morris spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (225) to Substitute House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the adoption of amendment (225) to Substitute House Bill No. 2419, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0, Not Voting - 0.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Alexander, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 51.

The bill was ordered engrossed.

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

Representatives Simpson and Benson spoke in favor of passage of the bill.

Representatives Clements and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2419 and the bill passed the House by the following vote: Yeas - 65, Nays - 33, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Mr. Speaker - 65.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Boldt, Carrell, Casada, Chandler, Clements, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Nixon, Pflug, Roach, Rockefeller, Schindler, Sehlin, Skinner, Sump, Talcott, and Woods - 33.

Engrossed Substitute House Bill No. 2419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1248, by Representatives Kessler, Hankins, Conway, Ballasiotes, Ogden, Cody, Woods, Edmonds, O'Brien, Keiser, Mitchell, Darneille, Santos, Kenney, Linville, Tokuda, Ruderman, Rockefeller, Hurst, Van Luven, Lovick, McIntire, Schual-Berke, Poulsen, Kagi, Wood and Haigh

Providing unemployment insurance benefits for victims of domestic violence or stalking.

The bill was read the second time.

Representative Chandler moved the adoption of amendment (152):

On page 2, line 27, after "9A.46.110" insert the following:

" , and the claimant or the family member filed a police report or obtained a restraining order against the perpetrator within two years before the date on which the claimant applied for benefits"

On page 7, after line 12, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 50.24 RCW to read as follows:

(1) For the purposes of this section:

(a) "Individual benefits" means benefits paid to individuals who are not considered to have left work voluntarily without good cause under RCW 50.20.050(2)(d).

(b) "Individual contributions" means the money payments due to the state unemployment compensation fund as provided under this section.

(2) Beginning on January 1, 2004, individual contributions to the state unemployment compensation fund shall accrue and become payable by each employer in accordance with such rules as the commissioner may adopt.

(3) Beginning on September 30, 2003, and continuing on September 30 of each year thereafter, the commissioner shall determine the rate of individual contributions. The individual contribution rate shall be the lowest rate necessary to collect a total amount of individual contributions in the next rate year equal to the total amount of individual benefits paid in the last completed state fiscal year.

(4) The commissioner shall determine the amount of wages subject to the individual contribution rate under RCW 50.24.010.

(5) An employer may deduct individual contributions, in whole or in part, from the remuneration of individuals in employment of the employer.

(6) In the payment of any individual contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(7) This section does not apply to: (a) Employers who are required to make payments in lieu of contributions; (b) employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions; and (c) taxable local government employers described in RCW 50.44.035.

Sec. 6. RCW 50.04.072 and 1985 ex.s. c 5 s 5 are each amended to read as follows:

The terms "contributions," "individual contributions," and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under RCW 50.24.014 and are deemed to be taxes due to the state of Washington.

Sec. 7. RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions, individual contributions, and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

NEW SECTION. Sec. 8. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act applies to claims that are effective on or after June 30, 2002."

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kessler, Ruderman, Ballasiotes, Schual-Berke, Mastin, Lysen, Ogden, Mitchell and Dunn spoke in favor of passage of the bill.

Representatives Chandler, Schindler and Clements spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1248.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1248 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Ballard, Chandler, Clements, Crouse, Holmquist, Lisk, McMorris, Mulliken, Schindler, and Sump - 10.

House Bill No. 1248, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2440, by Representatives Romero, Cooper, Fisher, Mitchell, Murray, Sullivan, Wood, Ogden and McIntire

Integrating transportation and land use planning.

The bill was read the second time.

Representative Reardon moved the adoption of amendment (118):

On page 3, line 9, after "RCW" strike all material through "transportation" on line 16 and insert "including the following if they have been included in the comprehensive plan:

- (i) Support for development in and revitalization of existing downtowns;
- (ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;
- (iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;
- (iv) Opportunities for multimodal transportation; and
- (v) Extent to which the project accommodates planned growth and economic development"

On page 5, line 29, after "development" strike "at appropriate" and insert "for rural and urban"

Representative Holmquist moved the adoption of amendment (194) to amendment (118):

On page 1, line 11 of the amendment, after "densities;" strike everything through "(v)" on line 15, and insert "and
(iii)"

Representatives Holmquist, Ericksen and Holmquist (again) spoke in favor of the adoption of the amendment to the amendment (118).

Representative Romero spoke against the adoption of the amendment to the amendment (118).

Division was demanded. The Speaker divided the House. The results of the division was 44-YEAS; 54-NAYS. The amendment to the amendment (118) was not adopted.

Representative Reardon spoke in favor of the adoption of amendment (118).

The amendment was adopted.

There being no objection, amendments (041) and (043) were withdrawn.

Representative Holmquist moved the adoption of amendment (195):

On page 5, beginning on line 18, strike all of section 5

Correct the title.

Representative Holmquist spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Romero, Dunshee, Cooper, Fisher and Hatfield spoke in favor of passage of the bill.

Representative Holmquist, Ericksen and Mitchell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2440.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2440 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Cairnes, Casada, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Orcutt, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 36.

Engrossed House Bill No. 2440, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2326, by Representatives Linville, Romero, Lantz, Rockefeller, Cooper, Hunt, Simpson, Kagi and Ruderman

Establishing the Washington climate and rural energy development center.

The bill was read the second time. There being no objection, Substitute House Bill No. 2326 was substituted for House Bill No. 2326 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2326 was read the second time.

Representative Linville moved the adoption of amendment (199):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature makes the following findings:

(1) A vast and growing body of research and information about changes to our global, national, and regional climates is being produced by a variety of sources.

(2) Much of this research and information holds important value in helping scientists, citizens, businesses, and public policymakers understand how Washington may be affected by these changes.

(3) It is in the public interest to support efforts to promote discussion and understanding of the potential effects of climate change on Washington's water supply, agriculture, natural resources, coastal infrastructure, public health, and economy, and to encourage the formulation of sound recommendations for avoiding, mitigating, and responding to those effects.

(4) The state should support the establishment of a central clearinghouse to serve as an impartial, unbiased source of credible and reliable information about climate change for the public.

NEW SECTION. Sec. 2. The definitions in this section apply throughout sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Center" means the Washington climate and rural energy development center.

(2) "Clean energy activities" means: (a) Activities related to renewable resources including electricity generation facilities fueled by water, wind, solar energy, geothermal energy, landfill gas, or bioenergy; (b) programs and industries promoting research, development, or commercialization of fuel cells and qualified alternative energy resources as defined in RCW 19.29A.090; (c) energy efficiency measures or technologies; and (d) technologies designed to significantly reduce the use of or emissions from motor vehicle fuels.

(3) "Climate change" means a change of climate attributed directly or indirectly to human activity that alters the composition of the global atmosphere.

NEW SECTION. Sec. 3. The legislature authorizes the establishment of the Washington climate and rural energy development center in the Washington State University energy program to serve as a central, nonregulatory clearinghouse of credible and reliable information addressing various aspects of climate change and clean energy activities.

NEW SECTION. Sec. 4. The center shall be funded through grants, and voluntary monetary and in-kind contributions.

NEW SECTION. Sec. 5. (1) The duties of the center may include, but are not limited to:

(a) Collecting and sharing scientific and technological data related to climate change;

(b) Collecting and sharing information which could be used on a voluntary basis to respond to potential climate change impacts should they occur;

(c) Collecting and sharing information about clean energy activities in the rural areas of the state, including information about state resources available for developing such clean energy opportunities;

(d) Advising relevant sectors of prospective commercial opportunities;

(e) Studying and advising the legislature on the potential: (i) Impacts of climate change in the state; and (ii) effects of early action by the state, before action by the federal government or other state governments, on the state's competitive position with respect to other states;

(f) Accomplishing any other duty assigned to it by the legislature for which adequate funding is provided; and

(g) Providing a biennial report to the governor and the appropriate legislative committees by December 31st regarding its operations.

(2) The center shall, within available funds, also:

(a) Identify key sectors within the state likely to be affected adversely by climate change;

(b) Examine and report the feasibility of a carbon storage program for the state by:

(i) Evaluating other states' and nations' attempts to establish carbon credit programs, carbon storage programs, carbon storage requirements worldwide, and methods and scientific programs that are used to implement carbon storage programs;

(ii) Analyzing other programs in the state of Washington, including the conservation reserve enhancement program, that could facilitate a carbon storage program and a stable carbon storage market;

(iii) Analyzing methods to encourage and increase appropriate carbon storage activities; and

(iv) Developing and preparing appropriate legislative responses and recommendations; and

(c) Publicize mitigation projects and efforts to address climate change that include evaluations of whether those efforts were deemed to be successful.

(3) The following agencies and programs will work with the center to assist with the duties under this section: The department of community, trade, and economic development, the department of ecology, the department of transportation, the department of health, the department of fish and wildlife, the department of agriculture, the department of natural resources, and the Washington State University energy program.

(4) The legislature may appoint one member from each legislative caucus to serve on a legislative oversight committee for the center.

(5) The center shall establish task forces and technical advisory committees, balanced in representation and composed of state and local agencies and interested elected leaders, businesses, labor groups, timber industry groups, agricultural groups, nonprofit organizations, university and college programs, and citizens as necessary to assist in the duties in this section.

NEW SECTION. **Sec. 6.** This act takes effect July 1, 2002.

NEW SECTION. **Sec. 7.** Sections 2 through 5 of this act are each added to chapter 28B.30 RCW."

Correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Linville, Hunt and Linville (again) spoke in favor of passage of the bill.

Representatives Schoesler, Hankins, Roach and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2326 and the bill passed the House by the following vote: Yeas - 62, Nays - 36, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia,

Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Orcutt, Pearson, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, and Woods - 36.

Engrossed Substitute House Bill No. 2326, having received the necessary constitutional majority, was declared passed.

With the consent of the House, House Rules 13c was suspended.

HOUSE BILL NO. 2364, by Representatives Dickerson, Kenney, Conway, Fisher, Rockefeller, Kagi, Cody, Darneille, Chase, Tokuda, Kirby, Edwards, Santos, Lysen, Wood, Simpson, Schual-Berke and Jarrett

Allowing sick leave to care for family members.

The bill was read the second time. There being no objection, Substitute House Bill No. 2364 was substituted for House Bill No. 2364 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2364 was read the second time.

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

Representatives Dickerson, Clements and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2364.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2364 and the bill passed the House by the following vote: Yeas - 88, Nays - 10, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Bush, Chandler, Crouse, Delvin, Dunn, Holmquist, Lisk, Mulliken, Schindler, and Sump - 10.

Substitute House Bill No. 2364, having received the necessary constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2968 by Representative Cairnes

AN ACT Relating to changing requirements regarding state and local tax to provide for municipal gross receipts tax uniformity and fairness; amending RCW 82.32.060; adding a new chapter to Title 35 RCW; and providing effective dates.

Referred to Committee on Finance.

HB 2971 by Representatives Reardon, Pearson, Lovick, Cooper, Dunshee, Sehlin, Edwards, O'Brien and Sullivan

AN ACT Relating to establishing a business and occupation tax rate for certain FAR part 145 certificated repair stations; reenacting and amending RCW 82.04.250; adding a new section to chapter 82.32 RCW; providing an effective date; and providing an expiration date.

Placed on second reading calendar.

HCR 4425 by Representatives Clements, Quall, Talcott, Skinner, Alexander and Rockefeller

Studying the impact of multistate pensions on teachers.

Referred to Committee on Appropriations.

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

There being no objection, the House advanced to the eighth order.

There being no objection, the Rules Committee was relieved of the following bills which were placed on the second reading calendar:

SUBSTITUTE HOUSE BILL NO. 1254,
HOUSE BILL NO. 1531,
HOUSE BILL NO. 1741,
HOUSE BILL NO. 2181,
HOUSE BILL NO. 2224,
HOUSE BILL NO. 2300,
HOUSE BILL NO. 2360,
HOUSE BILL NO. 2361,
HOUSE BILL NO. 2389,
HOUSE BILL NO. 2395,
HOUSE BILL NO. 2476,
HOUSE BILL NO. 2487,
HOUSE BILL NO. 2500,
HOUSE BILL NO. 2525,
HOUSE BILL NO. 2544,
HOUSE BILL NO. 2549,
HOUSE BILL NO. 2552,
HOUSE BILL NO. 2585,
HOUSE BILL NO. 2626,
HOUSE BILL NO. 2629,
HOUSE BILL NO. 2635,
HOUSE BILL NO. 2647,
HOUSE BILL NO. 2662,
HOUSE BILL NO. 2691,
HOUSE BILL NO. 2698,
HOUSE BILL NO. 2699,
HOUSE BILL NO. 2707,
HOUSE BILL NO. 2731,
HOUSE BILL NO. 2744,

HOUSE BILL NO. 2804,
HOUSE BILL NO. 2842,
HOUSE BILL NO. 2864,
HOUSE BILL NO. 2891,
HOUSE BILL NO. 2896,
HOUSE BILL NO. 2908,
HOUSE JOINT MEMORIAL NO. 4026,
HOUSE CONCURRENT RESOLUTION 4402,

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

MOTION

On motion of Representative Kessler, the House adjourned until 1:00 p.m., February 17, 2002, the 35th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1011-S
 Second Reading 8
1011-S2
 Second Reading 8
 Third Reading Final Passage 9
1248
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1254-S
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1531
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1612
 Second Reading 9
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1741
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2015
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2015-S
 Second Reading 5
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2181
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2294
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2294-S
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2323-S
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2353-S
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2385
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Third Reading Final Passage 25

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2419
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2487
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2500
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2518 Second Reading 3
2518-S Second Reading Amendment 4
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2544 Other Action 41
2549 Other Action 41
2552 Other Action 41
2585 Other Action 41
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2629 Other Action 41
2635 Other Action 41
2647 Other Action 41
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2662 Other Action 41
2671 Second Reading 6
2671-S2 Second Reading Amendment 6
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2691 Other Action 41
2698 Other Action 41
2699 Other Action 41
2707 Other Action 41
2731 Other Action 41
2744 Other Action 41
2804 Other Action 41
2842 Other Action 41
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2847-S2

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Third Reading Final Passage 8
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2853-S
Second Reading 19
Third Reading Final Passage 20
2854
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2854-S2
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2864
Other Action 41
2866
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2866-S
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2879-S
Second Reading 13
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2891
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Other Action 41
2908
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5376-S
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5700-S
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5823-S
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5965-S
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6060-S
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6254-S
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6284-S
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6292
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6327-S
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6329-S
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6337
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6342-S
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6350-S
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6356-S2
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6364-S
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6375
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6376 Messages 2
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6393-S Messages 1
6400-S Messages 2
6407-S Messages 2
6412-S Messages 2
6414-S Messages 2
6420 Messages 1
6426-S Messages 1
6456 Messages 2
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6513-S Messages 2
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6713 Messages 23
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HOUSE OF REPRESENTATIVES

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JOURNAL OF THE HOUSE

THIRTY FOURTH DAY, FEBRUARY 16, 2002

OPR --

OPR --

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY FIFTH DAY

House Chamber, Olympia, Sunday, February 17, 2002

The House was called to order at 1:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mark Brown and Rose Baran. Prayer was offered by Representative Ed Murray.

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

SECOND READING

HOUSE BILL NO. 2622, by Representatives Quall, Talcott, Anderson, Haigh, Rockefeller, Schmidt, Ogden, Lantz and Esser

Improving K-12 preparedness and performance through promoting better oral health.

The bill was read the second time. There being no objection, Substitute House Bill No. 2622 was substituted for House Bill No. 2622 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2622 was read the second time.

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

Representatives Quall, Talcott and Haigh spoke in favor of passage of the bill.

Representative Pflug spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2622.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2622 and the bill passed the House by the following vote: Yeas - 44, Nays - 44, Absent - 0, Excused - 10.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Darneille, Dickerson, Doumit, Dunshee, Eickmeyer, Fisher, Fromhold, Grant, Haigh, Hatfield, Hunt, Jackley, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Reardon, Rockefeller, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Wood, and Mr. Speaker - 44.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cooper, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Quall, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Van Luven, and Woods - 44.

Excused: Representatives Ballasiotes, Dunn, Edwards, Gombosky, Hurst, Jarrett, Lantz, McMorris, Romero, and Veloria - 10.

Substitute House Bill No. 2622, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2622.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2491, by Representatives Chandler, Clements, Lisk, Skinner, Schoesler, Holmquist and Mulliken

Limiting the authority to inspect facilities used for temporary storage and processing of commodities.

The bill was read the second time.

Representative Chandler moved the adoption of amendment (158):

On page 2, line 17, after "code," strike "Further, in no event does the authority to inspect pertain to facilities used for temporary storage and processing of agricultural commodities. This provision does not limit the code official from inspecting such facilities under construction" and insert "A governing body of a county or city may inspect facilities used for temporary storage and processing of agricultural commodities"

Representatives Chandler and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (155) was withdrawn.

The bill was ordered engrossed.

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

Representatives Chandler and Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2491.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2491 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Engrossed House Bill No. 2491, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed House Bill No. 2491.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2632, by Representatives Sommers, Cox, Kenney and McIntire

Pertaining to the higher education retirement plan.

The bill was read the second time. There being no objection, Substitute House Bill No. 2632 was substituted for House Bill No. 2632 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2632 was read the second time.

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

Representatives Sommers, Cox, Conway and McIntire spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2632.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2632 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements,

Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2632, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2632.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2639, by Representatives Ruderman, Crouse, Bush, Nixon, Casada, Carrell, Anderson, Hunt, Van Luven, Talcott, Benson, Murray, Miloscia and Esser

Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider.

The bill was read the second time.

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

Representatives Ruderman and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2639.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2639 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

House Bill No. 2639, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2639.

HOUSE BILL NO. 2649, by Representatives Carrell, Anderson, Crouse and McMorris

Requiring county assessors to submit an annual property tax report to the department of revenue.

The bill was read the second time.

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

Representatives Carrell and Berkey spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2649.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2649 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

House Bill No. 2649, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2649.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2657, by Representatives Hunt, Armstrong, Linville, Schoesler, O'Brien, Holmquist, Chase, Roach, Ogden, Clements, Cox, Mulliken, Barlean, Sehlin, Conway and Rockefeller

Requiring the purchase of Washington grown commodities for state institutions.

The bill was read the second time.

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

Representatives Hunt and Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2657.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2657 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

House Bill No. 2657, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2657.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2741, by Representatives Nixon, Bush, DeBolt, Morell, Crouse, Esser, Van Luven, Schmidt, Delvin, Pflug, Casada, Roach, Schoesler, Anderson, Benson and Pearson

Revising driving privileges for juveniles convicted of motor vehicle felonies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2741 was substituted for House Bill No. 2741 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2741 was read the second time.

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

Representatives Nixon and Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2741.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2741 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2741, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2741.

JEANNE EDWARDS, 1st District

POINT OF PERSONAL PRIVILEGE

Representative Mastin congratulated Representative Nixon on the passage through the House of his first bill and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2800, by Representatives Hunt, Alexander, Romero, Hankins, Murray, Skinner, Woods, Reardon and Casada

Removing the capital projects surcharge on certain department of services for the blind vendors.

The bill was read the second time. There being no objection, Substitute House Bill No. 2800 was substituted for House Bill No. 2800 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2800 was read the second time.

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

Representatives Hunt and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2800.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2800 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2800, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2800.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2867, by Representatives Fromhold, Ogden, McMorris, Grant, Haigh and Delvin

Mitigating the effects of the aquatic pesticide national pollutant discharge elimination system permit required as the result of a recent court decision.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2867 was substituted for House Bill No. 2867 and the Second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2867 was read the second time.

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

Representatives Fromhold, Schoesler and Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2867.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2867 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Second Substitute House Bill No. 2867, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 2867.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2914, by Representatives Kenney, Fromhold, Cox, Morell, Haigh and Wood

Creating the state financial aid account.

The bill was read the second time. There being no objection, Substitute House Bill No. 2914 was substituted for House Bill No. 2914 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2914 was read the second time.

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

Representatives Kenney and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2914.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2914 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2914, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2914.
JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2941, by Representatives Delvin, Hankins, Grant and Kessler

Creating a special impact mitigation program to offset the impact of construction of a nuclear waste treatment and immobilization plant.

The bill was read the second time. There being no objection, Substitute House Bill No. 2941 was substituted for House Bill No. 2941 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2941 was read the second time.

Representative Delvin moved the adoption of amendment (226):

On page 2, line 1, after "section," insert "a portion of"

On page 2, beginning on line 8, after "shall" strike all material through "taxpayer." on line 19 and insert "make the deposits to the nuclear waste mitigation account under this section based on an estimate submitted by the prime contractor, in a form and manner prescribed by the department, of the tax remitted to the department by the prime contractor attributable to the contract for construction and/or commissioning of a nuclear waste treatment and immobilization plant.

(b) Deposits into the account under this section may not exceed two million dollars in any one year. Total deposits into the account may not exceed ten million dollars overall."

Representatives Delvin and Grant spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Delvin, Grant and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2941.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2941 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Engrossed Substitute House Bill No. 2941, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2941.
JEANNE EDWARDS, 1st District

HOUSE BILL NO. 1531, by Representatives Morris and Cairnes

Modifying the taxation of lodging.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1531 was substituted for House Bill No. 1531 and the Second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1531 was read the second time.

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

Representatives Morris and Upthegrove spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1531.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1531 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Second Substitute House Bill No. 1531, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 1531.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 1741, by Representatives Hunt, Fromhold, Alexander and Armstrong

Providing a plan of health insurance for blind vendors.

The bill was read the second time. There being no objection, Substitute House Bill No. 1741 was substituted for House Bill No. 1741 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1741 was read the second time.

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

Representatives Hunt and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 1741, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 1741.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2389, by Representatives Conway, Doumit, Cooper, Delvin, Talcott, Lovick, Lysen, Haigh and Simpson; by request of Joint Committee on Pension Policy

Allowing the transfer of seasonal and military leave of absence employees to the public employees' retirement system plan 3.

The bill was read the second time. There being no objection, Substitute House Bill No. 2389 was substituted for House Bill No. 2389 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2389 was read the second time.

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

Representatives Conway and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2389.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2389 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2389, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2389.

JEANNE EDWARDS, 1st District

HOUSE BILL NO. 2395, by Representatives Doumit, Alexander, Cooper, Conway, Delvin, Dickerson, Ogden, Rockefeller, Linville, Talcott, Hunt, Lovick, Lysen, Kagi, McIntire, Haigh, Simpson, Chase and Jackley; by request of Joint Committee on Pension Policy

Providing a death benefit for certain state employees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2395 was substituted for House Bill No. 2395 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2395 was read the second time.

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

Representatives Doumit and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2395.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2395 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Edwards, Gombosky, and Jarrett - 4.

Substitute House Bill No. 2395, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2395.

JEANNE EDWARDS, 1st District

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

There being no objection, the Rules Committee was relieved of the following bills which were placed on the second reading calendar:

House Bill No. 1324,
House Bill No. 1437,
House Bill No. 1555,
House Bill No. 1575,
House Bill No. 1630,
Substitute House Bill No. 1759,
House Bill No. 1972,
House Bill No. 2309,
House Bill No. 2312,
House Bill No. 2338,

House Bill No. 2340,
House Bill No. 2346,
House Bill No. 2347,
House Bill No. 2376,
House Bill No. 2388,
House Bill No. 2390,
House Bill No. 2431,
House Bill No. 2434,
House Bill No. 2466,
House Bill No. 2469,
House Bill No. 2548,
House Bill No. 2556,
House Bill No. 2576,
House Bill No. 2595,
House Bill No. 2597,
House Bill No. 2607,
House Bill No. 2608,
House Bill No. 2609,
House Bill No. 2630,
House Bill No. 2683,
House Bill No. 2684,
House Bill No. 2759,
House Bill No. 2902,

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., February 18, 2002, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

1324 Other Action 14
1437 Other Action 14
1531 Second Reading 10
1531-S2 Second Reading 10
Third Reading Final Passage 11
1555 Other Action 14
1575 Other Action 14
1630 Other Action 14
1741 Second Reading 11
1741-S Second Reading 11
Third Reading Final Passage 12
1759-S Other Action 14
1972 Other Action 14
2309 Other Action 14
2312 Other Action 14
2338 Other Action 14
2340 Other Action 14
2346 Other Action 14
2347 Other Action 14
2376 Other Action 14
2388 Other Action 14
2389 Second Reading 12
2389-S Second Reading 12
Third Reading Final Passage 12
2390 Other Action 14
2395 Second Reading 13
2395-S Second Reading 13
Third Reading Final Passage 13
2431 Other Action 14
2434 Other Action 14
2466

Other Action 14
2469 Other Action 14
2491 Second Reading Amendment 2
Third Reading Final Passage 3
2548 Other Action 14
2556 Other Action 14
2576 Other Action 14
2595 Other Action 14
2597 Other Action 14
2607 Other Action 14
2608 Other Action 14
2609 Other Action 14
2622 Second Reading 1
2622-S Second Reading 1
Third Reading Final Passage 2
2630 Other Action 14
2632 Second Reading 3
2632-S Second Reading 3
Third Reading Final Passage 3
2639 Second Reading 4
Third Reading Final Passage 4
2649 Second Reading 4
Third Reading Final Passage 5
2657 Second Reading 5
Third Reading Final Passage 6
2683 Other Action 14
2684 Other Action 14
2741 Second Reading 6
2741-S Second Reading 6
Third Reading Final Passage 6
2759 Other Action 14
2800 Second Reading 7
2800-S

2867 Second Reading 7
Third Reading Final Passage 7
2867-S2 Second Reading 7
Second Reading 8
Third Reading Final Passage 8
2902 Other Action 14
2914 Second Reading 8
2914-S Second Reading 8
Third Reading Final Passage 9
2941 Second Reading 9
2941-S Second Reading Amendment 9
Third Reading Final Passage 10
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JOURNAL OF THE HOUSE

THIRTY FIFTH DAY, FEBRUARY 17, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 18, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by the Nisei Veterans Committee Color Guard. The Speaker (Representative Ogden) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Jerry Shigaki, St. Benedict's Episcopal Church, Lacey.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4704, By Representatives Santos, Tokuda, Veloria, Rockefeller, Kenney, Haigh, Hurst, Conway, Cody, Fisher, Skinner, Campbell, Grant, Holmquist, Wood, Van Luven, Sullivan, Linville, Cooper, Bush, Hankins, Mielke, Ballasiotes, Dickerson,

Ruderman, Doumit, Lisk, Morris, Nixon, Schoesler, Buck, Carrell, Alexander, Mulliken, Anderson, Lovick, Cox, Armstrong, Schmidt, Clements, Esser, McDermott, Sehlin, Jarrett and Boldt

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment caused the Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during the period of its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Hindsight has proven that the predominant factor that actually led to the internment of Japanese-Americans was not "military necessity" to protect the United States from possible espionage or sabotage, but was the result of "race prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause in its endeavors on February 19, 2002, to acknowledge the sixtieth anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees from the state of Washington and honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service – Northwest Association, and the Japanese-American Citizens League.

House Resolution No. 4704 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) recognized Reverend Jerry Shigaki, who did the morning's prayer. He also welcomed Kaz Ishimitsu, Sam Owada, Ed Mayeda and Joe Kamikawa of the Nisei Veterans Committee Color Guard and Emily Momohara, the artist whose exhibit was on display in the Rotunda. Also present were members of the Japanese American Citizens League and Karen Yoshitomi, Executive Director of the Pacific Northwest Region.

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

SECOND READING

HOUSE BILL NO. 2842, by Representatives Santos, Tokuda, Voloria, Conway, Kenney, Dickerson, O'Brien, Ogden, Schual-Berke, Kessler, Lovick, McIntire, Ruderman, Upthegrove, Linville, Rockefeller, Simpson, Haigh and McDermott

Creating a civil liberties day of remembrance.

The bill was read the second time.

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

Representatives Santos, Tokuda, Buck, Sump, Doumit, Skinner, Conway, Orcutt, Ruderman, Cox and Kenney spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Woods, Representatives Ballasiotes, Bush, Cairnes, Campbell, Jarrett, Mielke, Mulliken and Schindler were excused. On motion of Representative Santos, Representatives Edwards, Gombosky, Hurst, Morris and Reardon were excused.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of House Bill No. 2842.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2842 and the bill passed the House by the following vote: Yeas - 85, Nays - 0, Absent - 0, Excused - 13.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 85.

Excused: Representatives Ballasiotes, Bush, Cairnes, Campbell, Edwards, Gombosky, Hurst, Jarrett, Mielke, Morris, Mulliken, Reardon, and Schindler - 13.

House Bill No. 2842, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4026, by Representatives Rockefeller, Woods, Jackley, Murray, Lovick, Tokuda, Ogden, Romero, Hunt, McDermott, Veloria, Doumit, Jarrett, Talcott, Cox, Ballasiotes, Ahern, Orcutt, Schmidt, Esser, Santos, Cooper, Cody, Simpson, Benson, Carrell, Kessler, Schual-Berke, Linville, McIntire, Mulliken, Upthegrove, Chase and Van Luven

Requesting a memorial to remember the internment of Japanese-Americans during World War II.

The joint memorial was read the second time. There being no objection, Substitute House Joint Memorial No. 4026 was substituted for House Joint Memorial No. 4026 and the substitute joint memorial was placed on the second reading calendar.

Substitute House Joint Memorial No. 4026 was read the second time.

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

Representatives Rockefeller, Woods, Hunt, Eickmeyer and Santos spoke in favor of passage of the joint memorial.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4026.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4026 and the joint memorial passed the House by the following vote: Yeas - 87, Nays - 0, Absent - 0, Excused - 11.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 87.

Excused: Representatives Ballasiotes, Cairnes, Edwards, Gombosky, Hurst, Jarrett, Mielke, Morris, Mulliken, Reardon, and Schindler - 11.

Substitute House Joint Memorial No. 4026, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4701, by Representatives Buck, Kessler, Talcott, Pflug and Hankins

WHEREAS, The Water Quality program offered by the Washington Virtual Classroom Consortium has been recognized and supported by both Senator Gorton and Senator Murray; and

WHEREAS, The Water Quality program has been recognized and supported by Superintendent of Public Instruction Terry Bergeson; and

WHEREAS, The Water Quality program has provided exceptional learning opportunities to a variety of rural school districts across this state; and

WHEREAS, These districts, which include Adna, Concrete, Eatonville, North Franklin, Ocosta, Quinault Lake, Quillayute Valley, Wapato, Wellpinit, and White Salmon have benefited greatly from their participation with the Washington Virtual Classroom Consortium; and

WHEREAS, The host district and fiscal agent for this program, Quillayute Valley School District and member districts have worked diligently to "...bridge the digital divide..." that exists in rural Washington; and

WHEREAS, The Washington Virtual Classroom Consortium now seeks to expand intrastate; and

WHEREAS, The Washington Virtual Classroom Consortium is expanding interstate with partners in the Kenai Borough and School District in the State of Alaska and the Center for Great Lakes Environmental Education in Buffalo, New York; and

WHEREAS, This expansion of the Washington Virtual Classroom Consortium and especially its Water Quality program will be of great benefit to these areas;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of Washington State acknowledge the outstanding work of the Washington Virtual Classroom Consortium and its Water Quality program and recognize them as Sites of Excellence; and

BE IT FURTHER RESOLVED, That the House of Representatives of Washington State encourage all the citizens of Washington State to support and participate in Washington Virtual Classroom Consortium and its Water Quality program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives of Washington State to the Superintendent of Public Instruction, the Executive Director of the State Board of Education, the Executive Director of the Professional Educator Standards Board, and the Executive Director of the Higher Education Coordinating Board.

Representative Buck moved the adoption of the resolution.

Representatives Buck and Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 4701 was adopted.

The Speaker assumed the chair.

HOUSE BILL NO. 2666, by Representatives Veloria, Dunn, Bush, Roach, Casada, Anderson and Santos

Exempting small business innovative research awards from business and occupation tax.

The bill was read the second time. There being no objection, Substitute House Bill No. 2666 was not substituted for House Bill No. 2666.

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

Representatives Veloria and Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2666.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2666 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Gombosky, Hurst, and Mulliken - 4.

House Bill No. 2666, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2666.

JOYCE MULLIKEN, 13th District

HOUSE BILL NO. 2688, by Representative Linville; by request of Department of Agriculture

Regulating commodity boards and commissions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2688 was substituted for House Bill No. 2688 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2688 was read the second time.

Representative Schoesler moved the adoption of amendment (061):

On page 84, after line 33, insert the following:

"Sec. 113. RCW 15.76.150 and 1965 ex.s. c 32 s 2 are each amended to read as follows:

The director shall have the authority to make allocations from the state fair fund, including interest income under RCW 43.79A.040, exclusively as follows: Eighty-five percent to participating agricultural fairs, distributed according to the merit of such fairs measured by a merit rating to be set up by the director. This merit rating shall take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums and prizes paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities. The remaining fifteen percent of money in the state fair fund may be used for special assistance to any participating fair or fairs and for administrative expenses incurred in the administration of this chapter only, including expenses incurred by the fair commission as may be approved by the director: **PROVIDED**, That not more than five percent of the state fair fund may be used for such expenses.

The division and payment of funds authorized in this section shall occur at such times as the director may prescribe."

Renumber the remaining sections consecutively and correct the title.

Representatives Schoesler and Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Linville moved the adoption of amendment (232):

On page 85, after line 5, insert the following:

"Sec. 114. RCW 15.24.010 and 1989 c 354 s 53 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington (~~state~~) apple (~~advertising~~) commission;
- (2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;
- (3) "Handler" means any person who ships or initiates a shipping operation, whether for himself, herself, or for another;
- (4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;
- (5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article. However, "processing apples" does not include fresh apples sliced or cut for raw consumption;
- (7) "Fresh apples" means all apples other than processing apples;

(8) "Director" means the director of the department of agriculture or his or her duly authorized representative;

(9) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;

(10) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;

(11) "Grower district No. 3" includes all counties in the state not included in the first and second districts;

(12) "Dealer district No. 1" includes the area of the state north of Interstate 90;

(13) "Dealer district No. 2" includes the area of the state south of Interstate 90; and

(14) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 115. RCW 15.24.020 and 1989 c 354 s 54 are each amended to read as follows:

There is hereby created a Washington ((state)) apple ((advertising)) commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his or her income therefrom: PROVIDED, That he or she may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him or her; and he or she may sell apples grown by himself, herself, and others so long as he or she does not sell a larger quantity of apples grown by others than those grown by himself or herself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office.

Sec. 116. RCW 15.24.040 and 1989 c 354 s 56 are each amended to read as follows:

The ((director)) commission shall call a meeting of apple growers, and meetings of apple dealers in dealer district No. 1 and dealer district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. ((Said)) The meetings shall be held not later than February 15th of each year and insofar as practicable, the ((said)) meetings of the growers shall be held at the same time and place as the annual meeting of the Washington state horticultural association, or the annual meeting of any other producer organization which represents a majority of the state's apple producers, as determined by the commission, but not while the same is in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the ((said)) respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: PROVIDED, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard within the district or subdivision being represented, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he or she is also a member of a partnership or corporation which votes for

other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Sec. 117. RCW 15.24.050 and 1984 c 287 s 12 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when ~~((out of state))~~ on official commission business.

Sec. 118. RCW 15.24.070 and 1994 c 134 s 1 are each amended to read as follows:

The Washington ~~((state))~~ apple ~~((advertising))~~ commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chair and such other officers as it deems advisable; and to adopt, rescind, and amend rules and orders for the exercise of its powers under this chapter, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter. Expenses may include reasonable, prudent use of promotional hosting to benefit the purposes of this chapter;

(5) To investigate and prosecute violations of this chapter;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and apple products;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;

(10) To borrow money and incur indebtedness;

(11) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. The commission shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises. The authority to make expenditures granted by this subsection includes the authority to make expenditures to provide scholarships or financial assistance to persons as defined in RCW 1.16.080 or entities associated with the apple industry, but is not limited to the authority to make expenditures for such a purpose; ~~((and))~~

(12) To engage in appropriate fund-raising activities for the purpose of supporting the activities of the commission authorized by this chapter; and

(13) To retain, discharge, or contract with, at its pleasure, accountants, marketing agencies, and other professional consultants as necessary, under procedures for hiring, discharging, and review as adopted by the commission.

Sec. 119. RCW 15.24.080 and 1961 c 11 s 15.24.080 are each amended to read as follows:

In order to benefit the people of this state, the state's economy and its general tax revenues, the commission shall provide for and conduct a comprehensive and extensive research, advertising, and educational campaign as continuous as the crop, sales, and market conditions reasonably require. It

shall investigate and ascertain the needs of producers, conditions of the markets, and extent to which public convenience and necessity require research and advertising to be conducted.

Sec. 120. RCW 15.24.085 and 1961 c 11 s 15.24.085 are each amended to read as follows:

The restrictive provisions of chapter 43.78 RCW shall not apply to promotional printing and literature for the Washington ~~((state))~~ apple ~~((advertising))~~ commission, the Washington state fruit commission, or the Washington state dairy products commission.

Sec. 121. RCW 15.24.090 and 1983 c 95 s 1 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples under this chapter is too high or is inadequate to accomplish the purposes of this chapter, the commission shall adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, market promotion, and advertising, the extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. It shall thereupon decrease or increase the assessment to a sum determined by the commission to be necessary for those purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container, or any style of package or reasonable equivalent net product assessment as determined by the commission. However, if a different rate is determined for any specific variety or for fresh apples sliced or cut for raw consumption, that different rate must be applied to that variety or those sliced or cut apples. A decrease or an increase becomes effective sixty days after the resolution is adopted or on any other date provided for in the resolution, but shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of the growers voting on it and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election. After the mail ballot, if favorable to the increase or decrease, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve the increase or decrease.

Sec. 122. RCW 15.24.100 and 1967 c 240 s 28 are each amended to read as follows:

There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of twelve cents on each one hundred pounds gross billing weight or reasonable equivalent net product assessment measurement, as determined by the commission, plus such annual decreases or increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

Sec. 123. RCW 15.24.110 and 1967 c 240 s 29 are each amended to read as follows:

The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, prior to shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission.

The commission shall by rule ~~((or regulation))~~ prescribe the method of collection, and for that purpose may require stamps to be known as "Washington apple ((advertising)) stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. Rule-making procedures conducted under this section are exempt from the provisions of RCW 43.135.055 when adoption of the rule or rules is determined by a referendum vote of the persons taxed under this chapter.

NEW SECTION. Sec. 124. A new section is added to chapter 15.24 RCW to read as follows:

Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310 and the provisions of chapter 19.85 RCW, the regulatory fairness act, when the proposed rule is subject to a referendum.

Sec. 125. RCW 15.24.160 and 1961 c 11 s 15.24.160 are each amended to read as follows:

To maintain and complement the existing comprehensive regulatory scheme, the commission may employ, designate as agent, act in concert with, and enter into contracts with any person, council, or commission, including but not limited to the director, state agencies such as the Washington state

fruit commission and its successors, statewide horticultural associations, organizations or associations engaged in tracking the movement and marketing of horticultural products, and organizations or associations of horticultural growers, for the purpose of promoting the general welfare of the apple industry and particularly for the purpose of assisting in the sale and distribution of apples in domestic or foreign commerce, and expend its funds or such portion thereof as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of apples in domestic or foreign commerce. For such purposes it may employ and pay for legal counsel and contract and pay for other professional services. Neither the state, nor any member, agent, or employee of the commission, is liable for the acts of the commission, or upon its contracts. In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, including any action under chapter 19.86 RCW, proof that the act complained of was done in compliance with the provisions of this chapter, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such an action or proceeding.

Sec. 126. RCW 15.24.170 and 1975 1st ex.s. c 7 s 37 are each amended to read as follows:

Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective pursuant to the provisions of RCW ((34.05.040)) 34.05.380.

Sec. 127. RCW 15.24.800 and 1987 c 6 s 1 are each amended to read as follows:

The legislature hereby finds that, in order to permit the Washington ((state)) apple ((advertising)) commission to accomplish more efficiently its important public purposes, as enumerated in chapter 15.24 RCW, it is necessary for the state to assist in financing a new building for the commission, to be located on Euclid Avenue in Chelan county, and housing commission offices, warehouse space, and a display room. The state's assistance shall augment approximately five hundred thousand dollars in commission funds which will be applied directly to the payment of the costs of this project. The state's assistance shall be in the amount of eight hundred thousand dollars, or so much thereof as may be required, to be provided from the proceeds from the sale and issuance of general obligation bonds of the state, the principal of and interest on which shall be reimbursed to the state treasury by the commission from revenues derived from the assessments levied pursuant to chapter 15.24 RCW and other sources.

Sec. 128. RCW 15.24.802 and 1987 c 6 s 2 are each amended to read as follows:

For the purpose of providing part of the funds necessary for the Washington ((state)) apple ((advertising)) commission to undertake a capital project consisting of the land acquisition for, and the design, construction, furnishing, and equipping of, the building described in RCW 15.24.800, and to pay the administrative costs of such project, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, and other expenses incidental to the administration of such project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred thousand dollars, or so much thereof as may be required.

Sec. 129. RCW 15.24.806 and 1987 c 6 s 4 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW 15.24.802, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the Washington ((state)) apple ((advertising)) commission may direct the state treasurer to deposit therein, shall be deposited in the state building construction account in the state treasury.

Sec. 130. RCW 15.24.808 and 1987 c 6 s 5 are each amended to read as follows:

Subject to legislative appropriation, all proceeds from the sale of the bonds authorized in RCW 15.24.802 shall be administered and expended by the Washington ((state)) apple ((advertising)) commission exclusively for the purposes specified in RCW 15.24.802.

Sec. 131. RCW 15.24.812 and 1987 c 6 s 7 are each amended to read as follows:

On or before June 30 of each year, the state finance committee shall certify to the Washington ((state)) apple ((advertising)) commission the principal and interest payments determined under RCW

15.24.810, exclusive of deposit interest credit, attributable to the bonds issued under RCW 15.24.802. On each date on which any interest or principal and interest payment is due, the commission shall cause the amount certified by the state finance committee to be due on such date to be paid out of the commission's general fund to the state treasurer for deposit into the general fund of the state treasury.

Sec. 132. RCW 15.24.818 and 1987 c 6 s 10 are each amended to read as follows:

The bonds authorized by RCW 15.24.802 shall be issued only after the treasurer of the Washington ~~((state))~~ apple ~~((advertising))~~ commission has certified that the net proceeds of the bonds, together with all money to be made available by the commission for the purposes described in RCW 15.24.802, shall be sufficient for such purposes; and also that, based upon the treasurer's estimates of future income from assessments levied pursuant to chapter 15.24 RCW and other sources, an adequate balance will be maintained in the commission's general fund to enable the commission to meet the requirements of RCW 15.24.812 during the life of the bonds to be issued.

Sec. 133. RCW 15.24.900 and 1961 c 11 s 15.24.900 are each amended to read as follows:

~~((1))~~ (1) This chapter is passed:

~~((4))~~ (a) In the exercise of the police power of the state to assure, through this chapter, and other chapters, that the apple industry is highly regulated to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state as a vital and integral part of its economy for the benefit of all its citizens;

~~((2))~~ (b) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

~~((3))~~ (c) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

~~((4))~~ (d) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

~~((5))~~ (e) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

~~((6))~~ (f) Because the stabilizing and promotion of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure and increase the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

~~((7))~~ (g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary; and

~~((8))~~ (h) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time to use and consume each variety, and the uses to which each variety should be put.

(2) The history, economy, culture, and future of Washington state's agricultural industry involves the apple industry. In order to develop and promote apples and apple products as part of an existing comprehensive scheme to regulate those products, the legislature declares:

(a) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its apple and apple products be properly promoted by establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standards of and for apples and apple products; and by working to stabilize the apple industry and by increasing consumption of apples and apple products within the state, nation, and internationally;

(b) That apple producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the agricultural producer's ability to compete in local, domestic, and foreign markets;

(c) That it is in the overriding public interest that support for the apple industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that apples and apple products be promoted individually, as well as part of a comprehensive promotion of the agricultural industry to:

(i) Enhance the reputation and image of Washington state's agricultural industry;

(ii) Increase the sale and use of apples and apple products in local, domestic, and foreign markets;

(iii) Protect the public and consumers by correcting any false or misleading information and by educating the public in reference to the quality, care, and methods used in the production of apples and apple products, and in reference to the various sizes, grades, and varieties of apples and the uses to which each should be put;

(iv) Increase the knowledge of the health-giving qualities and dietetic value of apple products;
and

(v) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of apples and apple products;

(d) That the apple industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulation of the industry. Other regulations and restraints applicable to the apple industry include:

(i) Washington agriculture general provisions, chapter 15.04 RCW;

(ii) Pests and diseases, chapter 15.08 RCW;

(iii) Standards of grades and packs, chapter 15.17 RCW;

(iv) Tree fruit research, chapter 15.26 RCW;

(v) Controlled atmosphere storage, chapter 15.30 RCW;

(vi) Higher education in agriculture, chapter 28.30 RCW;

(vii) Department of agriculture, chapter 43.23 RCW;

(viii) Fertilizers, minerals, and limes under chapter 15.54 RCW;

(ix) Organic food products act under chapter 15.86 RCW;

(x) Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;

(xi) Horticultural plants and facilities - inspection and licensing under chapter 15.13 RCW;

(xii) Planting stock under chapter 15.14 RCW;

(xiii) Washington pesticide control act under chapter 15.58 RCW;

(xiv) Farm marketing under chapter 15.64 RCW;

(xv) Insect pests and plant diseases under chapter 17.24 RCW;

(xvi) Weights and measures under chapter 19.94 RCW;

(xvii) Agricultural products - commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and

(xviii) The federal insecticide, fungicide, and rodenticide act under 7 U.S.C. Sec. 136; and

(e) That this chapter is in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state.

Sec. 134. RCW 15.26.130 and 1969 c 129 s 13 are each amended to read as follows:

The Washington apple ((advertising)) commission and the Washington state fruit commission shall supply the director with a list of known producers subject to paying assessments to the respective commissions. The director, in addition, shall at the commission's cost compile a list of known tree fruit producers producing fruit not subject to assessments of the Washington apple ((advertising)) commission and the Washington state fruit commission but subject to assessments or becoming subject to assessments under the provisions of this chapter. In compiling such list the director shall publish notice to producers of such tree fruit, requiring them to file with the director a report giving the producer's name, mailing address and orchard location. The notice shall be published once a week for four consecutive weeks in weekly or daily newspapers of general circulation in the area or areas where such tree fruit is produced. All producer reports shall be filed with the director within twenty days from the date of last publication of notice or thirty days of mailing notice to producers of such tree fruit, whichever is later. The director shall for the purpose of conducting any referendum affecting tree fruits subject to the provisions of this chapter keep such list up to date when conducting such referendum. Every person who becomes a producer after ~~((said))~~ the list is compiled shall file with the director a similar report, giving his or her name, mailing address and orchard location. Such list shall

be final and conclusive in conducting referendums and failure to notify a producer shall not be cause for the invalidation of any referendum.

Sec. 135. RCW 15.26.250 and 1969 c 129 s 25 are each amended to read as follows:

The Washington apple (~~(advertising)~~) commission and Washington state fruit commission in order to avoid unnecessary duplication of costs and efforts in collecting assessments for tree fruits at the time said commissions collect assessments due under the provisions of their acts may also collect the assessment due the commission on such tree fruit. Such assessments on winter pears may be collected by the Washington state fruit commission or in a manner prescribed by the commission. Assessments collected for the commission by the Washington (~~(state)~~) apple (~~(advertising)~~) commission and the Washington state fruit commission shall be forwarded to the commissions expeditiously. No fee shall be charged the commission for the collection of assessments because the research conducted by the commission shall be of direct benefit to all commercial growers of tree fruits in the state of Washington(~~(: PROVIDED, That)~~). However, the commission shall reimburse at actual cost to the department or the Washington state fruit commission or apple commission any assessment collected for the commission by such agencies for any tree fruit subject to the provisions of this chapter, but not subject to pay assessments to the Washington state fruit commission or the Washington apple (~~(advertising)~~) commission."

Renumber the remaining section consecutively and correct the title.

Representatives Linville and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Linville spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2688.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2688 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Gombosky, Hurst, and Mulliken - 4.

Engrossed Substitute House Bill No. 2688, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2688.

HOUSE BILL NO. 2819, by Representatives Doumit, Buck, Hatfield and Linville

Addressing the uncertainty surrounding reversionary clauses contained in Bush and Callow act deeds.

The bill was read the second time. There being no objection, Substitute House Bill No. 2819 was substituted for House Bill No. 2819 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2819 was read the second time.

Representative Doumit moved the adoption of amendment (119):

On page 2, line 2, after "rights" insert "in shellfish cultivation"
On page 2, line 17, after "rights" insert "in shellfish cultivation"

Representatives Doumit and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Doumit moved the adoption of amendment (229):

On page 2, at the beginning of line 13, strike "tidelands for the harvest and cultivation of geoduck" and insert "lands for the harvest and cultivation of any species of shellfish"

On page 2, line 15, after "(3)" insert the following:

"For the purposes of this section, harvest and cultivation of any species of shellfish shall not be deemed to have commenced unless the subtidal portions of the land had been planted with that species of shellfish prior to December 31, 2001.

(4)"

On page 2, line 16, after "act" insert ", nor is anything other than what is stated in subsection(2) of this section intended to grant any further rights in the subtidal lands than what was originally included under the intent of the Bush and Callow acts"

Representatives Doumit and Buck spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Doumit, Buck, Sump and Rockefeller spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2819

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2819 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballasiotes, Gombosky, Hurst, and Mulliken - 4.

Engrossed Substitute House Bill No. 2819, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2819.
JOYCE MULLIKEN, 13th District

HOUSE BILL NO. 2321, by Representatives McDermott, Schmidt, Romero, Miloscia, Kessler, Mulliken, Benson, Alexander, Haigh, Holmquist and Edwards; by request of Public Disclosure Commission

Regarding penalties for violations of the public disclosure act.

The bill was read the second time.

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

Representatives McDermott, Schmidt and Romero spoke in favor of passage of the bill.

Representatives Lisk, Dunn and Cox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2321.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2321 and the bill passed the House by the following vote: Yeas - 80, Nays - 15, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 80.

Voting nay: Representatives Armstrong, Ballard, Boldt, Chandler, Clements, Cox, Doumit, Dunn, Fisher, Lisk, Mielke, Mitchell, Quall, Reardon, and Van Luven - 15.

Excused: Representatives Ballasiotes, Gombosky, and Mulliken - 3.

House Bill No. 2321, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2560, by Representatives Quall, O'Brien, Lovick, Mitchell, Clements, Sump, Simpson, Sehlin, Cooper, Delvin, Boldt, Morell, Kessler, Buck, Hankins, Fisher, Armstrong, Mielke, Rockefeller, Haigh, Nixon, Kenney and Jackley

Shifting approval of driver training schools from the superintendent of public instruction to the department of licensing.

The bill was read the second time. There being no objection, Substitute House Bill No. 2560 was substituted for House Bill No. 2560 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2560 was read the second time.

Representative Quall moved the adoption of amendment (140):

On page 4, line 15, after "licensing" strike "through" and insert "with the advice of"

Representative Quall spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Quall, Hankins, Talcott and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2560.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2560 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Ballasiotes, Gombosky, and Mulliken - 3.

Engrossed Substitute House Bill No. 2560, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2560.

JOYCE MULLIKEN, 13th District

HOUSE BILL NO. 2732, by Representatives Gombosky, Cairnes, Berkey, Nixon, Morris, Armstrong, Esser, Fromhold, Ogden, Conway, Hunt, Van Luven, Voloria, Romero, Reardon, Edwards, Chase, Morell, Santos, Kenney and Wood

Excluding government subsidized social welfare compensation from taxation.

The bill was read the second time.

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

There being no objection, the House deferred action on House Bill No. 2732, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2486, by Representatives Jarrett, Simpson, Esser, Carrell, McMorris, McDermott, Cox, Romero and Lovick

Revising board of tax appeals provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2486 was substituted for House Bill No. 2486 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2486 was read the second time.

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

Representatives Jarrett and Simpson spoke in favor of passage of the bill.

There being no objection, Representative Ballard was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2486.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2486 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballard, Ballasiotes, Gombosky, and Mulliken - 4.

Substitute House Bill No. 2486, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2486.
JOYCE MULLIKEN, 13th District

HOUSE BILL NO. 2511, by Representatives O'Brien, Ballasiotes, Schoesler, Kessler, Kirby, Santos, Benson, Edwards, Kenney, Chase, Lovick, Wood and Casada

Making any robbery within a financial institution a first degree robbery.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2511 was substituted for House Bill No. 2511 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2511 was read the second time.

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

Representatives O'Brien, Hankins, Morell, Schoesler and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2511.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2511 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Ballard, Ballasiotes, Gombosky, and Mulliken - 4.

Second Substitute House Bill No. 2511, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 2511.
JOYCE MULLIKEN, 13th District

RESOLUTION

HOUSE RESOLUTION NO. 2002-4708, by Representative Sullivan, Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Chopp, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray,

Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Woods

WHEREAS, The people of the State of Washington celebrate CHILDREN as one of the most precious blessings our nation has ever been given; and

WHEREAS, The CHILDREN are the future of Washington State and should be encouraged to reach for the stars so that they become doctors, lawyers, teachers, social workers, or anything else they aspire to be; and

WHEREAS, It is our duty and privilege to instill in CHILDREN the faith, hope, charity, and integrity they need to continue the legacy of freedom, peace, and prosperity we have inherited from those who came before us; and

WHEREAS, The CHILDREN of the State of Washington should be cherished and given a positive and secure environment that can help develop their talents, temperament, minds, and character; and

WHEREAS, The CHILDREN of the State of Washington should know that their ideas and dreams are valued and respected because we take time to listen and encourage; and

WHEREAS, CHILDREN are the responsibility of their parents, and all the citizens of the State of Washington should help them by setting examples of what it means to be good neighbors, law-abiding citizens, productive workers, and helpful friends; and

WHEREAS, The CHILDREN of the State of Washington should have access to quality education, wholesome recreation, and a safe community; and

WHEREAS, The Washington State House of Representatives welcomes children to the Chamber every Presidents' Day so they may witness firsthand the legislative process; and

WHEREAS, The state has designated the second Sunday in October to commemorate the CHILDREN of the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives encourage all the citizens of Washington to celebrate children on Children's Day and throughout the year by spending more quality time with children and emphasizing their special place in our lives.

Representative Sullivan moved the adoption of the resolution.

Representatives Sullivan, Ruderman, Matson and Santos spoke in favor of the adoption of the resolution.

House Resolution No. 4708 was adopted.

THIRD READING

HOUSE BILL NO. 2732, by Representatives Gombosky, Cairnes, Berkey, Nixon, Morris, Armstrong, Esser, Fromhold, Ogden, Conway, Hunt, Van Luven, Veloria, Romero, Reardon, Edwards, Chase, Morell, Santos, Kenney and Wood

Excluding government subsidized social welfare compensation from taxation.

Representatives Gombosky and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2732.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2732 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit,

Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Voting nay: Representative Sommers - 1.

House Bill No. 2732, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2750, by Representatives Gombosky, Nixon, Wood, Ballasiotes, Conway, Veloria, Ogden, Chase, Berkey, Skinner and Edwards

Revising the property taxation of art, scientific, or historical organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2750 was substituted for House Bill No. 2750 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2750 was read the second time.

Representative Morris moved the adoption of amendment (161):

On page 1, after line 16, insert the following:

"NEW SECTION. Sec. 2. (1) The exemption for properties described in RCW 84.36.060(1) that are loaned or rented to any person, for-profit organization, or business enterprise not eligible for a tax exemption shall be determined by one or more of the methods in this section as appropriate.

(a) The portion of the property used for the nonexempt purpose may be segregated and taxed at one hundred percent of assessed value.

(b) If income from loans or rentals to nonexempt users does not exceed ten percent of gross income from all sources in a calendar year the property is exempt on one hundred percent of the assessed value.

(c) If income from loans or rentals to nonexempt users exceeds ten percent of gross income from all sources in a calendar year, the property is subject to taxation in an amount equal to the assessed value multiplied by the proportion of income from such loans or rentals to the gross income for all sources in any calendar year.

(2) As used in this section, "gross income from all sources" means all revenue received from any source including entrance or admittance fees, user fees, fund-raising events, sales or tickets to performing arts events, and rents or donation received as a result of the loan or rental of the property. Gross income from all sources does not include income from property that has been segregated under subsection (1)(a) of this section."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 2, line 26, after "provided in" strike "subsection (1)(c) of this section" and insert "section 2 of this act"

On page 3, beginning on line 5, after "~~subsection~~" strike all material through "value." on line 18 and insert "-))"

On page 5, line 27, after "under" strike "RCW 84.36.060(1)(c)" and insert "section 2 of this act"

On page 8, beginning on line 31, strike all of subsection (17) and insert the following:
"(17) All leasehold interests created in publicly owned real property used by nonprofit artistic, scientific, and historical organizations and nonprofit associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works that would be exempt from property tax under RCW 84.36.060(1) if they owned the property. If the publicly owned property is used for any taxable purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and apportioned consistent with the procedures in section 2 of this act."

Representatives Morris and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted.

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

Representatives Gombosky and Nixon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2750.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2750 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2750, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2754, by Representatives Lantz, Esser, Dickerson, Jarrett, Lysen and Kagi

Modifying mandatory arbitration provisions.

The bill was read the second time. There being no objection, Substitute House Bill No. 2754 was substituted for House Bill No. 2754 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2754 was read the second time.

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

Representatives Lantz, Esser and Carrell spoke in favor of passage of the bill.

MOTION

On motion of Representative Woods, Representative Mulliken was excused.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2754.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2754 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Alexander, Ballard, DeBolt, Delvin, Dunn, Holmquist, Lisk, Sump, and Van Luven - 9.

Excused: Representative Mulliken - 1.

Substitute House Bill No. 2754, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted NAY on Substitute House Bill No. 2754.

JOYCE MULLIKEN, 13th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2754.

BRUCE CHANDLER, 15th District

HOUSE BILL NO. 2782, by Representatives Doumit and Sommers

Implementing the results of the 1995-2000 actuarial experience study.

The bill was read the second time.

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

Representatives Sommers, Doumit, Cooper, Conway and Sommers (again) spoke in favor of passage of the bill.

Representatives Sehlin, Alexander, Delvin, Armstrong, Schoesler, Carrell, Buck, Talcott and Cox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2782.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2782 and the bill passed the House by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Excused: Representative Mulliken - 1.

House Bill No. 2782, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted NAY on House Bill No. 2782.

JOYCE MULLIKEN, 13th District

HOUSE BILL NO. 2817, by Representatives Lantz, Conway and Clements

Clarifying local government land use and zoning powers over gambling activities.

The bill was read the second time.

With the consent of the House, amendment (228) was withdrawn.

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

Representatives Lantz and Bush spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2817.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2817 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Mulliken - 1.

House Bill No. 2817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2360, by Representatives Conway, Campbell, Cody, Edwards, Wood and Schual-Berke

Regulating negotiations between health providers and health carriers.

The bill was read the second time. There being no objection, Substitute House Bill No. 2360 was substituted for House Bill No. 2360 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2360 was read the second time.

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

Representatives Conway, Campbell and Cody spoke in favor of passage of the bill.

Representative Pflug spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2360.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2360 and the bill passed the House by the following vote: Yeas - 74, Nays - 24, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Ballasiotes, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Morell, Morris, Murray, O'Brien, Ogden, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 74.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Barlean, Boldt, Chandler, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Lisk, McMorris, Mitchell, Mulliken, Nixon, Orcutt, Pflug, Schindler, Schoesler, and Woods - 24.

Substitute House Bill No. 2360, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2971, by Representatives Reardon, Pearson, Lovick, Cooper, Dunshee, Sehlin, Edwards, O'Brien and Sullivan

Establishing a business and occupation tax rate for certain FAR part 145 certificated repair stations.

The bill was read the second time.

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

Representatives Reardon, Pearson, Nixon, Cairnes, Schmidt, Morris, Cooper, Esser, Mastin, Morell, Conway, Morris (again) and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2971.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2971 and the bill passed the House by the following vote: Yeas - 91, Nays - 7, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 91.

Voting nay: Representatives Dickerson, Doumit, Fisher, Kagi, Romero, Sommers, and Tokuda - 7.

House Bill No. 2971, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1324, By Representatives Conway, Campbell, Wood, Kenney and Hunt

Expanding membership of the electrical board by appointment of one outside line worker.

The bill was read the second time.

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

Representatives Conway, Wood, Cairnes and Van Luven spoke in favor of passage of the bill.

Representative Clements spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 1324.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1324 and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, and Mr. Speaker - 80.

Voting nay: Representatives Anderson, Ballard, Ballasiotes, Boldt, Chandler, Clements, Cox, Dunn, Esser, Holmquist, Lisk, Mielke, Mulliken, Nixon, Pflug, Schoesler, Skinner, and Woods - 18.

House Bill No. 1324, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1411, by Representatives Veloria, Pennington, Cody, Campbell, Romero, Kenney, Keiser, Schual-Berke, Santos, Dunn, Linville, Boldt, Tokuda, Kagi, Cooper, McIntire and Rockefeller

Providing public notice of releases of hazardous substances.

The bill was read the second time. There being no objection, Substitute House Bill No. 1411 was substituted for House Bill No. 1411 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1411 was read the second time.

With the consent of the House, amendments ((179), (116), (180) and (117)) was withdrawn.

Representative Veloria moved the adoption of amendment (267):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.105D.010 and 1994 c 254 s 1 are each amended to read as follows:

(1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of chapter 2, Laws of 1989 is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) It is in the public's interest to efficiently use our finite land base, to integrate our land use planning policies with our clean-up policies, and to clean up and reuse contaminated industrial properties in order to minimize industrial development pressures on undeveloped land and to make clean land available for future social use.

(5) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

(6) Because releases of hazardous substances can adversely affect the health and welfare of the public, the environment, and property values, it is in the public interest that affected communities be notified of where releases of hazardous substances have occurred and what is being done to clean them up.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105D RCW to read as follows:

(1) Except as provided in subsection (5) of this section, any owner or operator of a facility that is actively transitioning from operating under federal laws to operating under the provisions of this chapter, who has information that a hazardous substance has been released to the environment at the owner of operator's facility that may be a threat to human health or the environment, shall issue a notice to the department within ninety days. The notice shall include a description of any remedial actions planned, completed, or underway.

(2) The notice must be posted in a visible, publicly accessible location on the facility, to remain in place until all remedial actions except confirmational monitoring are complete.

(3) After receiving the notice from the facility, the department must review the notice and mail a summary of its contents, along with any additional information deemed appropriate by the department, to:

(a) Each residence and landowner of a residence whose property boundary is within three hundred feet of the boundary of the property where the release occurred or if the release occurred from a pipeline or other facility that does not have a property boundary, within three hundred feet of the actual release;

(b) Each business and landowner of a business whose property boundary is within three hundred feet of the boundary of the property where the release occurred;

(c) Each residence, landowner of a residence, and business with a property boundary within the area where hazardous substances have come to be located as a result of the release;

(d) Neighborhood associations and community organizations representing an area within one mile of the facility and recognized by the city or county with jurisdiction within this area;

(e) The city, county, and local health district with jurisdiction within the areas described in (a), (b), and (c) of this subsection; and

(f) The department of health.

(4) A notice produced by a facility shall provide the following information:

(a) The common name of any hazardous substances released and, if available, the chemical abstract service registry number of these substances;

(b) The address of the facility where the release occurred;

(c) The date the release was discovered;

(d) The cause and date of the release, if known;

(e) The remedial actions being taken or planned to address the release;

(f) The potential health and environmental effects of the hazardous substances released; and

(g) The name, address, and telephone number of a contact person at the facility where the release occurred.

(5) The following releases are exempt from the notification requirements in this section:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) The lawful and nonnegligent use of hazardous household substances by a natural person for personal or domestic purposes;

(c) The discharge of hazardous substances in compliance with permits issued under chapter 70.94, 90.48, or 90.56 RCW;

(d) De minimis amounts of any hazardous substance leaked or discharged onto the ground;

(e) The discharge of hazardous substances to a permitted waste water treatment facility or from a permitted waste water collection system or treatment facility as allowed by a facility's discharge permit;

(f) Any releases originating from a single-family or multifamily residence, including but not limited to the discharge of oil from a residential home heating oil tank with the capacity of five hundred gallons or less;

(g) Any spill on a public road, street, or highway or to surface waters of the state that has previously been reported to the United States coast guard and the state division of emergency management under chapter 90.56 RCW;

(h) Any release of hazardous substances to the air;

(i) Any release that occurs on agricultural land, including land used to grow trees for the commercial production of wood or wood fiber, that is at least five acres in size, when the effects of the release do not come within three hundred feet of any property boundary. For the purposes of this subsection, agricultural land includes incidental uses that are compatible with agricultural or silvicultural purposes, including, but not limited to, land used for the housing of the owner, operator, or employees, structures used for the storage or repair of equipment, machinery, and chemicals, and any paths or roads on the land; and

(j) Releases that, before the effective date of this section, have been previously reported to the department, or remediated in compliance with a settlement agreement under RCW 70.105D.040(4) or enforcement order or agreed order issued under this chapter or have been the subject of an opinion from the department under RCW 70.105D.030(1)(i) that no further remedial action is required.

An exemption from the notification requirements of this section does not exempt the owner or operator of a facility from any other notification or reporting requirements, or imply a release from liability under this chapter.

(6) If a significant segment of the community to be notified speaks a language other than English, an appropriate translation of the notice must also be posted and mailed to the department in accordance with the requirements of this section.

(7) The facility where the release occurred is responsible for reimbursing the department within thirty days for the actual costs associated with the production and mailing of the notices under this section.

Sec. 3. RCW 70.105D.030 and 2001 c 291 s 401 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(7) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in section 2 of this act, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(12)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of

public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(7) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

Sec. 4. RCW 70.105D.050 and 1994 c 257 s 12 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with section 2 of this act or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. Sections 2 through 4 of this act take effect January 1, 2003."

Correct the title.

Representatives Veloria and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Linville, Schoesler and Veloria spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1411.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1411 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1411, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2305, by Representatives Hatfield, Doumit, Kessler, Grant, Kirby, Edwards and Linville

Clarifying the application of shoreline master program guidelines and master programs to agricultural activities on agricultural lands.

The bill was read the second time. There being no objection, Substitute House Bill No. 2305 was substituted for House Bill No. 2305 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2305 was read the second time.

With the consent of the House, amendments (115) and (164) were withdrawn.

Representative Mulliken moved the adoption of amendment (221):

On page 2, beginning on line 1, after "(iv)." strike all material through "36.70A.060." on line 2 and insert "This section applies only to this chapter."

On page 3, after line 3, strike section 2 and insert the following:

"NEW SECTION. Sec. 2. The provisions of this act do not become effective until the earlier of either January 1, 2004, or the date the department of ecology amends or updates chapter 173-16 or 173-26 WAC."

Representatives Mulliken and Hatfield spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (221) to Substitute House Bill No. 2305.

ROLL CALL

The Clerk called the roll on the adoption of amendment (221) to Substitute House Bill No. 2305, and the amendment was adopted by the following vote: Yeas - 51, Nays - 47, Absent - 0, Excused - 0, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Grant, Haigh, Hankins, Hatfield, Holmquist, Kessler, Kirby, Linville, Lisk, Mastin, McMorris, Mielke, Morris, Mulliken, O'Brien, Ogden, Orcutt, Pearson, Quall, Roach, Santos, Schindler, Schoesler, Sehlin, Skinner, Sullivan, Sump, Talcott, and Woods - 51.

Voting nay: Representatives Anderson, Benson, Cairnes, Casada, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Esser, Fisher, Fromhold, Gombosky, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Lantz, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell,

Morell, Murray, Nixon, Pflug, Reardon, Rockefeller, Romero, Ruderman, Schmidt, Schual-Berke, Simpson, Sommers, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 47.

Representative Dunshee moved the adoption of amendment (291):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 90.58 RCW to read as follows:

(1) The guidelines adopted by the department and master programs developed or amended by local governments according to RCW 90.58.080 shall not require modification of or limit agricultural activities occurring on agricultural lands. In jurisdictions where agricultural activities occur, master programs developed or amended after the effective date of this act shall include provisions addressing new agricultural activities on land not meeting the definition of agricultural land, conversion of agricultural lands to other uses, and development not meeting the definition of agricultural activities. Nothing in this section limits or changes the terms of the current exception to the definition of substantial development in RCW 90.58.030(3)(e)(iv). This section applies only to this chapter and does not limit any other authority a city or county may have.

(2) For the purposes of this section:

(a) "Agricultural activities" means agricultural uses and practices including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, provided that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation;

(b) "Agricultural products" includes but is not limited to horticultural, viticultural, floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products; feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees grown as crops and harvested within twenty years of planting; and livestock including both the animals themselves and animal products including but not limited to meat, upland finfish, poultry and poultry products, and dairy products;

(c) "Agricultural equipment" and "agricultural facilities" includes, but is not limited to: (i) The following used in agricultural operations: Equipment; machinery; constructed shelters, buildings, and ponds; fences; upland finfish rearing facilities; water diversion, withdrawal, conveyance, and use equipment and facilities including but not limited to pumps, pipes, tapes, canals, ditches, and drains; (ii) corridors and facilities for transporting personnel, livestock, and equipment to, from, and within agricultural lands; (iii) farm residences and associated equipment, lands, and facilities; and (iv) roadside stands and on-farm markets for marketing fruit or vegetables; and

(d) "Agricultural land" means those specific land areas on which agriculture activities are conducted.

(3) The department and local governments shall assure that local shoreline master programs use definitions consistent with the definitions in this section.

NEW SECTION. Sec. 2. The provisions of this act do not become effective until the adopted guidelines for local government shoreline master programs become effective."

Representative Dunshee spoke in favor of the adoption of the amendment.

Representatives Mulliken and Hatfield spoke against the adoption of the amendment.

The amendment was adopted.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (291) to Substitute House Bill No. 2305.

ROLL CALL

The Clerk called the roll on the adoption of amendment (291) to Substitute House Bill No. 2305, and the amendment was not adopted by the following vote: Yeas - 40, Nays - 58, Absent - 0, Excused - 0.

Voting yea: Representatives Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Haigh, Hunt, Hurst, Jackley, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Murray, Reardon, Rockefeller, Romero, Ruderman, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 40.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Ericksen, Esser, Grant, Hankins, Hatfield, Holmquist, Jarrett, Kessler, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 58.

The bill was ordered engrossed.

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

COLLOQUY

Representative Hatfield:

Representative Mulliken:

Representatives Hatfield, Mulliken, Clements, Morris, DeBolt, Linville, Doumit, Mastin and Buck spoke in favor of passage of the bill.

Representative Dunshee spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2305.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2305 and the bill passed the House by the following vote: Yeas - 73, Nays - 25, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kessler, Kirby, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Van Luven, Woods, and Mr. Speaker - 73.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Dickerson, Dunshee, Edwards, Fisher, Gombosky, Hunt, Kagi, Kenney, Lantz, Lysen, McDermott, McIntire, Rockefeller, Romero, Ruderman, Schual-Berke, Simpson, Tokuda, Upthegrove, Veloria, and Wood - 25.

Engrossed Substitute House Bill No. 2305, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2376, by Representatives Rockefeller, Doumit, Eickmeyer, Dickerson, Hunt, Lantz, Edwards, Romero, Haigh, McDermott and Jackley

Concerning abandoned and derelict waterborne vessels.

The bill was read the second time. There being no objection, Substitute House Bill No. 2376 was substituted for House Bill No. 2376 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2376 was read the second time.

Representative Sump moved the adoption of amendment (257):

On page 6, line 18, after "within" strike "ten" and insert "twenty"

Representatives Sump and Rockefeller spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

There being no objection, Representative Lisk was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2376.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2376 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2376, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2604, by Representatives Clements, Conway, McMorris and Wood

Modifying new and successor unemployment contribution rates.

The bill was read the second time. There being no objection, Substitute House Bill No. 2604 was substituted for House Bill No. 2604 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2604 was read the second time.

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

Representatives Conway and Wood spoke in favor of passage of the bill.

Representatives Clement, DeBolt and Chandler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2604.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2604 and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 44.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2604, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2699, by Representatives Lantz, Ahern, Benson, Crouse, Morell, Miloscia, Schindler, Dunshee and Esser

Providing immunity for communications with government agencies and self-regulatory organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2699 was substituted for House Bill No. 2699 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2699 was read the second time.

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

Representatives Lantz, Ahern and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2699.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2699 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2699, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2707, by Representatives Edwards, Skinner, Cody and Schual-Berke

Modifying the commencement date for long-term caregiver training.

The bill was read the second time. There being no objection, Substitute House Bill No. 2707 was substituted for House Bill No. 2707 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2707 was read the second time.

Representative Skinner moved the adoption of amendment (314):

Beginning on page 2, line 23, after "(5)" strike all material through "(7)" on page 3, line 18 and insert "For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test. Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of ~~((March))~~ September 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of ~~((March))~~ September 1, 2002, or one hundred twenty days from the date on which the administrator or his or her designee is hired, whichever is later, if the boarding home serves one or more residents with special needs.

(6)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Skinner and Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Skinner moved the adoption of amendment (315):

On page 4, beginning on line 29, after "2002, or" strike all material through "materials" on line 31, and insert "one hundred twenty days from the date of employment"

Representative Skinner spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Edwards, Skinner and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2707.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2707 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2707, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2744, by Representatives Murray, Esser, Lantz, Hankins, Ogden, Woods, Hunt, Ballasiotes, O'Brien, Veloria, Lovick, Reardon, Edwards, Dickerson, Jackley, Lysen, Chase, Upthegrove, Conway and Santos

Creating a competitive grant program for nonprofit youth organizations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2744 was substituted for House Bill No. 2744 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2744 was read the second time.

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

Representatives Murray, Esser, Ogden and Murray (again) spoke in favor of passage of the bill.

Representatives Alexander, Armstrong and Schoesler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2744.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2744 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Casada, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Bush, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Hankins, Holmquist, Mastin, McMorris, Mielke, Mitchell, Mulliken, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 33.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2744, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2891, by Representatives Sommers, Sullivan, Simpson, Cooper, O'Brien, Chase, Conway, Santos, Ogden, Casada and Morell

Determining which fire fighters or law enforcement officers may elect or be elected to certain pension and disability boards.

The bill was read the second time.

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

Representatives Sommers and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2891.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2891 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

House Bill No. 2891, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1474, by Representatives Van Luven, Veloria, Fromhold, Dunn, Eickmeyer, Kessler, Kenney, Schmidt, Edmonds, Ogden and Santos; by request of Governor Locke

Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development.

The bill was read the second time. There being no objection, Substitute House Bill No. 1474 was substituted for House Bill No. 1474 and the substitute bill was placed on the second reading calendar.

The Speaker announced that House Bill No. 1474 was co-prime sponsored by Representatives Van Luven and Veloria.

Substitute House Bill No. 1474 was read the second time.

With the consent of the House, amendment (208) was withdrawn.

Representative Morris moved the adoption of amendment (268):

On page 6, after line 16, insert the following:

"(5) The director shall not reduce direct payments to providers, grants to other entities, or other pass-thru funds in order to pay costs associated with implementing this act. This subsection applies to all funds appropriated by the legislature and is not limited to funds appropriated specifically for designated programs or purposes. This subsection expires on July 1, 2003."

Renumber the remaining subsections consecutively and correct internal references accordingly.

On page 23, after line 21, insert the following:

"(5) The director shall not reduce direct payments to providers, grants to other entities, or other pass-thru funds in order to pay costs associated with implementing this act. This subsection applies to all funds appropriated by the legislature and is not limited to funds appropriated specifically for designated programs or purposes. This subsection expires on July 1, 2003."

Renumber the remaining subsections consecutively, correct internal references accordingly, and correct the title.

Representative Morris spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (148):

On page 230, after line 6, insert the following:

"**NEW SECTION. Sec. 904.** If a minimum total biennial appropriation of \$2,800,000 is not provided for purposes of this act by June 30, 2002, referencing this act by bill or chapter number, in the omnibus appropriations act, this act is null and void."

Correct the title and renumber sections consecutively

Representatives Alexander and Cox spoke in favor of the adoption of the amendment.

Representatives Doumit, Van Luven and Morris spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (148) to Engrossed Substitute House Bill No. 1474.

ROLL CALL

The Clerk called the roll on the adoption of amendment (148) to Engrossed Substitute House Bill No. 1474, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Holmquist, Jarrett, Lantz, Lysen, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 45.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 52.

Excused: Representative Lisk - 1.

The bill was ordered engrossed.

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

Representatives Van Luven, Veloria and Sommers spoke in favor of passage of the bill.

Representatives Mastin, Sehlin, Schoesler and Cairnes spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1474.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1474 and the bill passed the House by the following vote: Yeas - 54, Nays - 43, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Hankins, Holmquist, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, and Woods - 43.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 1474, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2563, by Representatives Miloscia, O'Brien, Kirby, Kessler, Haigh and McIntire

Creating the governor's performance audit standards and scorecard commission.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2563 was substituted for House Bill No. 2563 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2563 was read the second time.

Representative Mastin moved the adoption of amendment (156):

On page 1, line 13, after "office of" strike "financial management" and insert "the state auditor"

On page 1, at the beginning of line 17, strike "The office of financial management" and insert "The state auditor"

On page 1, line 17, after "with the" strike "governor's"

On page 1, line 18, after "commission" insert ", "

On page 2, after line 4 insert:
"Subject to the availability of amounts appropriated for this specific purpose:"

On page 2, line 5, after "(1)" strike "The director of financial management" and insert "The state auditor"

On page 2, line 9, after "(2)" strike "The office of financial management" and insert "The state auditor"

On page 2, beginning on line 12, strike "office of financial management" and insert "office of the state auditor"

On page 2, line 14, after "with the" strike "governor's"

On page 2, line 15, after "the" strike "office of financial management" and insert "state auditor"

On page 2, line 18, after "including" insert "institutions of"

On page 2, line 19, after "(4) The" strike "director of financial management" and insert "state auditor"

On page 2, line 25, after "(5)" strike all material through "education." on line 28 and insert "The state auditor, in consultation with the performance audit standards and scorecard commission and the office of financial management, shall collect, disseminate, and share best practices to all state agencies and institutions of higher education."

On page 2, line 29, after "(6) The" strike "director of financial management" and insert "state auditor"

On page 2, beginning on line 30, strike "governor's"

On page 2, line 36, after "The" strike "governor's"

On page 3, line 5, after "The" insert "state auditor and the"

On page 3, line 15, after "The" strike "governor's"

On page 3, line 16, after "shall" insert ", subject to the availability of amounts appropriated for this specific purpose"

On page 3, line 22, after "The" strike "governor's"

On page 3, line 26, after "Advise the" strike "governor and the director of financial management" and insert "state auditor"

On page 3, line 28, after "the" strike "director of financial management" and insert "state auditor"

On page 3, line 33, after "redundancies" strike "resulting in" and insert "in order to achieve"

On page 4, beginning on line 10, strike all of section 6

Correct the title.

Representatives Mastin, Alexander, Anderson, Boldt, Ballard, Schindler, Sehlin and Benson spoke in favor of the adoption of the amendment.

Representatives Miloscia and Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (156) to Second Substitute House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the adoption of amendment (156) to Second Substitute House Bill No. 2563, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Lisk - 1.

Representative Ogden moved the adoption of amendment (300):

On page 4, after line 9, insert the following:

"NEW SECTION. Sec. 6. (1) A pilot performance audit of the department of agriculture is authorized to be performed in the 01-03 biennium by the state auditor. In conducting the performance audit, the office of the state auditor shall work in cooperation with the office of financial management

and state agency personnel. The state auditor shall use the guidelines for a performance audit contained in RCW 44.28.075.

(2) The performance audit of the department of agriculture by the state auditor shall be completed by December 31, 2002 and shall be presented to the appropriate policy and fiscal committees of the legislature. The state auditor shall include in the report to the legislature information on the staffing, time, and cost used by the office of the state auditor to complete the performance audit of the Department of Agriculture. This section shall expire June 30, 2003.

Sec. 7. RCW 43.88.160 and 1998 c 135 s 1 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize

expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or

safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in section 6 of this act, in the appropriations acts, or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management."

Correct the title.

Correct internal references.

Representatives Ogden and Schoesler spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Alexander moved the adoption of amendment (163):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.09 RCW to read as follows:
The state auditor has authority to conduct performance audits as defined in RCW 44.28.005.

Sec. 2. RCW 43.88.160 and 1998 c 135 s 1 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of financial management. The governor, through the director of financial management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources, and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for central accounts in the office of financial management at the level of detail deemed necessary by the director to perform central financial management. The director of financial management shall adopt and periodically update an accounting procedures manual. Any agency maintaining its own accounting and reporting system shall comply with the updated accounting procedures manual and the rules of the director adopted under this chapter. An agency may receive a waiver from complying with this requirement if the waiver is approved by the director. Waivers expire at the end of the fiscal biennium for which they are granted. The director shall forward notice of waivers granted to the appropriate legislative fiscal committees. The director of financial management may require such financial, statistical, and other reports as the director deems necessary from all agencies covering any period.

(2) Except as provided in chapter 43.88C RCW, the director of financial management is responsible for quarterly reporting of primary operating budget drivers such as applicable workloads, caseload estimates, and appropriate unit cost data. These reports shall be transmitted to the legislative fiscal committees or by electronic means to the legislative evaluation and accountability program committee. Quarterly reports shall include actual monthly data and the variance between actual and estimated data to date. The reports shall also include estimates of these items for the remainder of the budget period.

(3) The director of financial management shall report at least annually to the appropriate legislative committees regarding the status of all appropriated capital projects, including transportation projects, showing significant cost overruns or underruns. If funds are shifted from one project to another, the office of financial management shall also reflect this in the annual variance report. Once a project is complete, the report shall provide a final summary showing estimated start and completion dates of each project phase compared to actual dates, estimated costs of each project phase compared to actual costs, and whether or not there are any outstanding liabilities or unsettled claims at the time of completion.

(4) In addition, the director of financial management, as agent of the governor, shall:

(a) Develop and maintain a system of internal controls and internal audits comprising methods and procedures to be adopted by each agency that will safeguard its assets, check the accuracy and reliability of its accounting data, promote operational efficiency, and encourage adherence to prescribed managerial policies for accounting and financial controls. The system developed by the director shall include criteria for determining the scope and comprehensiveness of internal controls required by classes of agencies, depending on the level of resources at risk.

Each agency head or authorized designee shall be assigned the responsibility and authority for establishing and maintaining internal audits following the standards of internal auditing of the institute of internal auditors;

(b) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and the director shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(c) Establish policies for allowing the contracting of child care services;

(d) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(e) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. The director shall advise and confer with agencies including appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials;

(f) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by the director except that the director shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials;

(g) Adopt rules to effectuate provisions contained in (a) through (f) of this subsection.

(5) The treasurer shall:

(a) Receive, keep, and disburse all public funds of the state not expressly required by law to be received, kept, and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Receive, disburse, or transfer public funds under the treasurer's supervision or custody;

(c) Keep a correct and current account of all moneys received and disbursed by the treasurer, classified by fund or account;

(d) Coordinate agencies' acceptance and use of credit cards and other payment methods, if the agencies have received authorization under RCW 43.41.180;

(e) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to disburse public funds in the treasury except upon forms or by alternative means duly prescribed by the director of financial management. These forms or alternative means shall provide for authentication and certification by the agency head or the agency head's designee that the services have been rendered or the materials have been furnished; or, in the case of loans or grants, that the loans or grants are authorized by law; or, in the case of payments for periodic maintenance services to be performed on state owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of financial management; and the treasurer shall not be liable under the treasurer's surety bond for erroneous or improper payments so made. When services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services. No payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or the agency head's designee in accordance with regulations issued pursuant to this chapter. Nothing in this section shall be construed to permit a public body to advance funds to a private service provider pursuant to a grant or loan before services have been rendered or material furnished.

(6) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end the auditor may, in the auditor's discretion, examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds. Where feasible in conducting examinations, the auditor shall utilize data and findings from the internal control system prescribed by the office of financial management. The current post audit of each agency may include a section on recommendations to the legislature as provided in (c) of this subsection.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make the auditor's official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include determinations as to whether agencies, in making expenditures, complied with the laws of this state. The state auditor is authorized to perform or participate in performance verifications and performance audits as expressly authorized by the legislature in the omnibus biennial appropriations acts or in the performance audit work plan approved by the joint legislative audit and review committee. The state auditor, upon completing an audit for legal and financial compliance under chapter 43.09 RCW or a performance verification, may report to the joint legislative audit and review committee or other appropriate committees of the legislature, in a manner prescribed by the joint legislative audit and review committee, on facts relating to the management or performance of governmental programs where such facts are discovered incidental to the legal and financial audit or performance verification. The auditor may make such a report to a legislative committee only if the auditor has determined that the agency has been given an opportunity and has failed to resolve the management or performance issues raised by the auditor. If the auditor makes a report to a legislative committee, the agency may submit to the committee a response to the report. ~~((This subsection (6) shall not be construed to authorize the auditor to allocate other than de minimis resources to performance audits except as expressly authorized in the appropriations acts or in the performance audit work plan. The results of a performance audit conducted by the state auditor that has been requested by the joint legislative audit and review committee must only be transmitted to the joint legislative audit and review committee.))~~

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of financial management. It shall be the duty of the director of financial management to cause corrective action to be taken within six months, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110. The director of financial management shall annually report by December 31st the status of audit resolution to the appropriate committees of the legislature, the state auditor, and the attorney general. The director of financial management shall include in the audit resolution report actions taken as a result of an audit including, but not limited to, types of personnel actions, costs and types of litigation, and value of recouped goods or services.

(e) Promptly report any irregularities to the attorney general.

(f) Investigate improper governmental activity under chapter 42.40 RCW.

(7) The joint legislative audit and review committee may:

(a) Make post audits of the financial transactions of any agency and management surveys and program reviews as provided for in chapter 44.28 RCW as well as performance audits and program evaluations. To this end the joint committee may in its discretion examine the books, accounts, and other records of any agency, official, or employee.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the performance and management of state agencies.

(c) Make a report to the legislature which shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs, and generally for an improved level of fiscal management."

Correct the title.

Representatives Alexander, Clements, Roach, Van Luven, Morell, Casada, Boldt, Anderson, Carrell and Nixon spoke in favor of the adoption of the amendment.

Representative Miloscia spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (163) to Second Substitute House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the adoption of amendment (163) to Second Substitute House Bill No. 2563, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Lisk - 1.

The bill was ordered engrossed.

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

Representative Miloscia spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2563.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2563 and the bill passed the House by the following vote: Yeas - 61, Nays - 36, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Benson, Berkey, Buck, Campbell, Casada, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 61.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Boldt, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Fisher, Hankins, Holmquist, McMorris, Mielke, Mitchell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Skinner, Sump, Talcott, Van Luven, and Woods - 36.

Excused: Representative Lisk - 1.

Engrossed Second Substitute House Bill No. 2563, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2060, by Representatives Dunn, Cooper, Haigh, Edmonds and Fromhold

Providing funds for housing projects.

The bill was read the second time. There being no objection, Substitute House Bill No. 2060 was substituted for House Bill No. 2060 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2060 was read the second time.

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

Representatives Dunn, Cooper, Dunshee, Ogden, Darneille, Cairnes, Clements, Van Luven and Fisher spoke in favor of passage of the bill.

Representatives Alexander, Talcott, Mulliken, Nixon, Roach and Mastin spoke against the passage of the bill.

POINT OF INQUIRY

Representative Mastin:

SPEAKER'S RULING

Mr. Speaker:

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2060 and the bill passed the House by the following vote: Yeas - 68, Nays - 29, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Bush, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 29.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2060, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2544, by Representatives Cooper, Benson, Santos, Clements, Simpson, McIntire, Armstrong, Hunt, Romero, Dickerson, Upthegrove, Chase, Ogden, Haigh, Conway, Kenney, Campbell and Linville; by request of Governor Locke, Insurance Commissioner and Attorney General

Restricting use of credit history.

The bill was read the second time. There being no objection, Substitute House Bill No. 2544 was substituted for House Bill No. 2544 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2544 was read the second time.

With the consent of the House, amendment (256) was withdrawn. Because amendment (256) was withdrawn, amendment (260) was ruled out of order.

Representative Cooper moved the adoption of amendment (299):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:
UNDERWRITING RESTRICTIONS THAT APPLY TO PERSONAL INSURANCE. (1) For the purposes of this section:

(a) "Adverse action" has the same meaning as defined in the fair credit reporting act, 15 U.S.C. Sec. 1681 et seq. Adverse actions include, but are not limited to:

(i) Cancellation, denial, or nonrenewal of personal insurance coverage;
(ii) Charging a higher insurance premium for personal insurance than would have been offered if the credit history or insurance score had been more favorable, whether the charge is by:

(A) Application of a rating rule;
(B) Assignment to a rating tier that does not have the lowest available rates; or
(C) Placement with an affiliate company that does not offer the lowest rates available to the consumer within the affiliate group of insurance companies; or
(iii) Any reduction, adverse, or unfavorable change in the terms of coverage or amount of any personal insurance due to a consumer's credit history or insurance score. A reduction, adverse, or unfavorable change in the terms of coverage occurs when:

(A) Coverage provided to the consumer is not as broad in scope as coverage requested by the consumer but available to other insureds of the insurer or any affiliate; or

(B) The consumer is not eligible for benefits such as dividends that are available through affiliate insurers.

(b) "Affiliate" has the same meaning as defined in RCW 48.31B.005(1).

(c) "Consumer" means an individual policyholder or applicant for insurance.

(d) "Consumer report" has the same meaning as defined in the fair credit reporting act, 15 U.S.C. Sec. 1681 et seq.

(e) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.

(f) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.

(g) "Personal insurance" means:

(i) Private passenger automobile coverage, including motorcycle and recreational vehicle coverage;

(ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(iii) Dwelling property coverage;

(iv) Earthquake coverage for a residence or personal property;

(v) Personal liability and theft coverage;

(vi) Personal inland marine coverage; and

(vii) Mechanical breakdown coverage for personal auto or home appliances.

(h) "Tier" means a category within a single insurer into which insureds with substantially like insuring, risk or exposure factors, and expense elements are placed for purposes of determining rate or premium.

(2) An insurer that takes adverse action against a consumer based in whole or in part on credit history or insurance score shall provide written notice to the applicant or named insured. The notice must state the significant factors of the credit history or insurance score that resulted in the adverse action. The insurer shall also inform the consumer that the consumer is entitled to a free copy of their consumer report under the fair credit reporting act.

(3) An insurer shall not cancel or nonrenew personal insurance based in whole or in part on a consumer's credit history or insurance score. Placement with an affiliate insurer does not constitute cancellation or nonrenewal under this section.

(4) An insurer may use credit history to deny personal insurance only in combination with other substantive underwriting factors. For the purposes of this subsection:

(a) "Deny" means an insurer refuses to offer insurance coverage to a consumer;

(b) Placement with an affiliate insurer does not constitute denial of coverage; and

(c) An insurer may reject an application when coverage is not bound or cancel an insurance contract within the first sixty days after the effective date of the contract.

(5) Insurers shall not deny personal insurance coverage based on:

(a) The absence of credit history or the inability to determine the consumer's credit history, if the insurer has received accurate and complete information from the consumer;

(b) The number of credit inquiries;

(c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

(d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

(e) The consumer's use of a particular type of credit card, charge card, or debit card; or

(f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(6)(a) If disputed credit history is used to determine eligibility for coverage and a consumer is placed with an affiliate that charges higher premiums or offers less favorable policy terms:

(i) The insurer shall reissue or rerate the policy retroactive to the effective date of the current policy term; and

(ii) The policy, as reissued or rerated, shall provide premiums and policy terms the consumer would have been eligible for if accurate credit history had been used to determine eligibility.

(b) This subsection only applies if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(7) The commissioner may adopt rules to implement this section.

(8) This section applies to all personal insurance policies issued or renewed after January 1, 2003.

NEW SECTION. Sec. 2. A new section is added to chapter 48.19 RCW to read as follows:

MAKING OF RATES--PERSONAL INSURANCE. (1) For the purposes of this section:

(a) "Consumer" means an individual policyholder or applicant for insurance.

(b) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.

(c) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.

(d) "Personal insurance" means:

(i) Private passenger automobile coverage, including motorcycle and recreational vehicle coverage;

(ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(iii) Dwelling property coverage;

(iv) Earthquake coverage for a residence or personal property;

(v) Personal liability and theft coverage;

(vi) Personal inland marine coverage; and

(vii) Mechanical breakdown coverage for personal auto or home appliances.

(2) Credit history shall not be used to determine personal insurance rates, premiums, or eligibility for coverage unless the insurance scoring models are filed with the commissioner. Insurance scoring models include all attributes and factors used in the calculation of an insurance score. RCW 48.19.040(5) does not apply to any information filed under this subsection, and the information shall be withheld from public inspection and kept confidential by the commissioner. All information filed under this subsection shall be considered trade secrets under RCW 48.02.120(3). Information filed under this subsection may be made public by the commissioner for the sole purpose of enforcement actions taken by the commissioner.

(3) Insurers shall not use the following types of credit history to calculate a personal insurance score or determine personal insurance premiums or rates:

(a) The absence of credit history or the inability to determine the consumer's credit history, unless the insurer has filed actuarial data segmented by demographic factors in a manner prescribed by the commissioner that demonstrates compliance with RCW 48.19.020;

(b) The number of credit inquiries;

(c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

(d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

(e) The consumer's use of a particular type of credit card, charge card, or debit card; or

(f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(4) If a consumer is charged higher premiums due to disputed credit history, the insurer shall rerate the policy retroactive to the effective date of the current policy term. As rerated, the consumer shall be charged the same premiums they would have been charged if accurate credit history was used to calculate an insurance score. This subsection applies only if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(5) The commissioner may adopt rules to implement this section.

(6) This section applies to all personal insurance policies issued or renewed on or after June 30, 2003.

NEW SECTION. Sec. 3. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 4. The commissioner shall report to the legislature by January 1, 2004, on issues related to the use of credit history in personal insurance underwriting and rating and the implementation of this act. The report must include:

(1) A review of how this act has been implemented and how it has impacted consumers; and

(2) A review and analysis of insurance scoring that is due to the legislature by January 1, 2003, which includes, but is not limited to:

(a) Which types of consumers, based on demographic factors, benefit from or are harmed by the use of credit history in personal insurance rating and underwriting;

(b) The extent to which the use of credit history affects rates charged to the consumer;

(c) Whether insurance scoring results in discrimination against a protected class of people or the poor; and

(d) Other issues as determined by the commissioner."

Correct the title.

Representative Cooper moved the adoption of amendment (334) to (299):

On page 2, beginning on line 15, after "coverage" delete ",including motorcycle and recreational vehicle coverage"

On page 2, line 38, after "score." delete "Placement" and insert "An offer of placement"

On page 3, line 6, after "(b)" delete "Placement" and insert "An offer of placement"

On page 4, line 19, after "coverage" delete ", including motorcycle and recreational vehicle coverage"

Representatives Cooper and Benson spoke in favor of the adoption of the amendment to the amendment.

The amendment to amendment (299) was adopted.

Representatives Cooper and Benson spoke in favor of adoption of amendment (299) as amended.

The amendment (299) as amended was adopted.

The bill was ordered engrossed.

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

Representatives Cooper, Lysen, Campbell, Roach, Kenney, Clement and Morris spoke in favor of passage of the bill.

Representatives Benson, DeBolt and Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2544.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2544 and the bill passed the House by the following vote: Yeas - 93, Nays - 4, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representatives Bush, Mielke, Mitchell, and Schoesler - 4.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2544, having received the necessary constitutional majority, was declared passed.

There being no objection, Rule 13c was suspended.

HOUSE BILL NO. 2224, by Representatives Benson and Hatfield

Licensing specialty producers of certain lines of insurance.

The bill was read the second time. There being no objection, Substitute House Bill No. 2224 was substituted for House Bill No. 2224 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2224 was read the second time.

Representative Cooper moved the adoption of amendment (245):

Strike everything after the enacting clause and insert the following:

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

(1) "Communications equipment" means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries, and other devices or their accessories used to originate or receive communications signals or service so long as the value of the other devices does not exceed one thousand five hundred dollars or the other devices are approved for coverage by rule of the commissioner, and also includes services related to the use of the devices.

(2) "Communications equipment insurance program" means an insurance program as described in section 3 of this act.

(3) "Communications service" means the service necessary to send, receive, or originate communications signals.

(4) "Customer" means a person or entity purchasing or leasing communications equipment or communications services from a vendor.

(5) "Specialty producer license" means a license issued under section 2 of this act that authorizes a vendor to offer or sell insurance as provided in section 3 of this act.

(6) "Supervising agent" means an agent licensed under RCW 48.17.060 who provides training as described in section 4 of this act and is affiliated to a licensed vendor.

(7) "Vendor" means a person or entity resident or with offices in this state in the business of leasing, selling, or providing communications equipment or communications service to customers.

(8) "Appointing insurer" means the insurer appointing the vendor as its agent under a specialty producer license.

NEW SECTION. Sec. 2. (1) A vendor that intends to offer insurance under section 3 of this act must file a specialty producer license application with the commissioner. Before the commissioner issues such a license, the vendor must be appointed as the agent of one or more authorized appointing insurers under a vendor's specialty producer license.

(2) Upon receipt of an application, if the commissioner is satisfied that the application is complete, the commissioner may issue a specialty producer license to the vendor.

NEW SECTION. Sec. 3. A specialty producer license authorizes a vendor and its employees and authorized representatives to offer and sell to, enroll in, and bill and collect premiums from customers for insurance covering communications equipment on a master, corporate, group, or individual policy basis.

NEW SECTION. Sec. 4. (1) A vendor issued a specialty producer license may not issue insurance under section 3 of this act unless:

(a) At every location where customers are enrolled in communications equipment insurance programs, written material regarding the program is made available to prospective customers; and

(b) The communications equipment insurance program is operated with the participation of a supervising agent who, with authorization and approval from the appointing insurer, supervises a training program for employees of the licensed vendor.

(2) Employees and authorized representatives of a vendor issued a specialty producer license may only act on behalf of the vendor in the offer, sale, solicitation, or enrollment of customers in a communications equipment insurance program. The conduct of these employees and authorized representatives within the scope of their employment or agency is the same as conduct of the vendor for purposes of this title.

NEW SECTION. **Sec. 5.** (1) A vendor issued a specialty producer license under this chapter is subject to RCW 48.17.540 through 48.17.560.

(2) The commissioner may adopt rules necessary for the implementation of this chapter, including, but not limited to, rules governing:

(a) The specialty producer license application process, including any forms required to be used;
(b) The standards for approval and the required content of written materials required under section 4(1)(a) of this act;

(c) The approval and required content of training materials required under section 4(1)(b) of this act;

(d) Establishing license fees to defray the cost of administering the specialty producer licensure program;

(e) Establishing requirements for the remittance of premium funds to the supervising agent under authority from the program insurer; and

(f) Determining the applicability or nonapplicability of other provisions of this title to this chapter.

NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute a new chapter in Title 48 RCW."

On page 1, line 2 of the title, after "insurance;" strike the remainder of the title and insert "and adding a new chapter to Title 48 RCW."

Representatives Cooper and Benson spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Benson and Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2224.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2224 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2224, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2662, by Representatives McDermott, Wood, Miloscia, O'Brien, Cody, Conway, Edwards, Lysen, Chase and Santos

Making payroll deductions for individual providers as defined in RCW 74.39A.240(4).

The bill was read the second time. There being no objection, Substitute House Bill No. 2662 was substituted for House Bill No. 2662 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2662 was read the second time.

Representative McDermott moved the adoption of amendment (250):

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 41.56 RCW to read as follows:

(1) Upon the written authorization of an individual provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, deduct from the payments to an individual provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the home care quality authority and the exclusive bargaining representative of a bargaining unit of individual providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection (3) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection (3) of this section, make such deductions upon written authorization of the individual provider.

(3)(a) The initial additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the home care quality authority unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the home care quality authority, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, the ongoing additional costs to the state in making deductions from the payments to individual providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative."

Correct the title.

Representative McDermott spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendments (316) and (317) were withdrawn.

The bill was ordered engrossed.

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

Representative McDermott spoke in favor of passage of the bill.

Representative Chandler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2662.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2662 and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 44.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2662, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2338, by Representatives Kagi, Ballasiotes, O'Brien, Lantz, Dickerson, Linville, McIntire, Conway and Wood

Revising sentences for drug offenses.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2338 was substituted for House Bill No. 2338 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2338 was read the second time.

With the consent of the House, amendment (266) was withdrawn.

Representative Sehlin moved the adoption of amendment (298):

On page 2, line 2, after "reduced." strike all material through "**Sec. 13**" on page 40, line 2, and insert "**Sec. 2**"

Beginning on page 41, line 6, strike all of sections 14 through 31 and insert the following:

"NEW SECTION. Sec. 3. The sum of two hundred and one thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2002, and the sum of two million three hundred twenty-four thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2003, from the general fund to the department of social and health services division of alcohol and substance abuse solely for drug court programs established in accordance with section 2 of this act."

Correct the title accordingly.

Renumber sections consecutively and correct internal references accordingly.

Representatives Sehlin and Mastin spoke in favor of the adoption of the amendment.

Representatives O'Brien and Ballasiotes spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (263):

On page 17, beginning on line 25, delete all material through line 28.

Correct the title accordingly.

Renumber sections consecutively and correct internal references accordingly.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Alexander moved the adoption of amendment (264):

On page 15, beginning with "unless" on line 1, strike all material through "methodology" on line 2 and insert "on passage of a resolution by both houses of the legislature approving it"

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Kagi spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Alexander moved the adoption of amendment (265):

On page 15, line 37, after "act" strike all material through "crime" on page 16, line 2 and insert "shall be distributed to counties and cities to mitigate the impact of the implementation of Chapter 1, Laws of 2000, 1st Sp. S. (license tab fees) on public safety functions. The department of community, trade and economic development shall establish a formula to distribute any excess funds pursuant to this section"

Representatives Alexander and Benson spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Kagi, Ballasiotes, Dickerson, Murray, O'Brien, Hurst and Campbell spoke in favor of passage of the bill.

Representative Clements, Carrell and Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2338.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 72, Nays - 25, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Benson, Berkey, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 72.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Cox, DeBolt, Dunn, Ericksen, Holmquist, Mastin, McMorris, Mielke, Mulliken, Orcutt, Roach, Schoesler, Sehlin, Sump, and Talcott - 25.

Excused: Representative Lisk - 1.

Second Substitute House Bill No. 2338, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 2338.

KIRK PEARSON, 39th District

HOUSE BILL NO. 2346, by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission

Updating the uniform parentage act.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 2346 was substituted for House Bill No. 2346 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 2346 was read the second time.

Representative Boldt moved the adoption of amendment (284):

On page 24, after line 12, insert the following:

"NEW SECTION. Sec. 531. EQUAL TREATMENT. If the division of child support provides services, including waiver of filing fees and payment of costs for a guardian ad litem, to parties in a contested paternity action, the division of child support shall also provide the same services to the parties when paternity is not contested."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (335):

On page 28, after line 19, insert the following:

"Sec. 701. RCW 70.58.055 and 1997 c 58 s 948 are each amended to read as follows:

(1) To promote and maintain nation-wide uniformity in the system of vital statistics, the certificates required by this chapter or by the rules adopted under this chapter shall include, as a

minimum, the items recommended by the federal agency responsible for national vital statistics including social security numbers.

(2) The state board of health by rule may require additional pertinent information relative to the birth and manner of delivery as it may deem necessary for statistical study. This information shall be placed in a confidential section of the birth certificate form and shall not be subject to the view of the public or for certification purposes except upon order of the court. The state board of health may eliminate from the forms items that it determines are not necessary for statistical study.

(3) Each certificate or other document required by this chapter shall be on a form or in a format prescribed by the state registrar.

(4) All vital records shall contain the data required for registration. No certificate may be held to be complete and correct that does not supply all items of information called for or that does not satisfactorily account for the omission of required items.

(5) Information required in certificates or documents authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the state registrar.

(6) Birth certificates shall contain a notice, in prominent lettering, stating that being named as the parent on the birth certificate confers upon the person all the rights and duties of a parent, including the obligation to pay child support."

Renumber the remaining sections consecutively and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Darneille spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Darneille and Delvin spoke in favor of passage of the bill.

Representatives Carrell, Boldt and Carrell (again) spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2346.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2346 and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Holmquist, Mastin, McMorris, Mielke, Morell, Mulliken, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 32.

Excused: Representative Lisk - 1.

Second Substitute House Bill No. 2346, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2347, by Representatives Darneille, Delvin and Dickerson; by request of Uniform Legislation Commission

Modifying the uniform interstate family support act.

The bill was read the second time. There being no objection, Substitute House Bill No. 2347 was substituted for House Bill No. 2347 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2347 was read the second time.

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

Representatives Darneille and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2347.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2347 and the bill passed the House by the following vote: Yeas - 85, Nays - 12, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 85.

Voting nay: Representatives Ahern, Ballard, Benson, Boldt, Crouse, Dunn, Holmquist, Mielke, Mulliken, Orcutt, Schindler, and Sump - 12.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2347, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2540, by Representatives Conway, Kenney, Wood, Chase, Cooper, Fromhold, Lysen, Campbell, Hunt, Veloria, Cody, Simpson, Haigh, Dickerson, Miloscia, Ogden, Quall, McIntire, Schual-Berke, Santos, McDermott and Kirby

Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs.

The bill was read the second time. There being no objection, Substitute House Bill No. 2540 was substituted for House Bill No. 2540 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2540 was read the second time.

Representative Clements moved the adoption of amendment (278):

On page 2, line 15, after "over" strike "admission" and insert the following:
":

(a) Admission"

On page 2, line 20, after "programs" insert the following:

"; and

(b) The decision to hire, promote, transfer, assign, or retain employees in positions, and the decision to reduce, dismiss, suspend, or demote employees, or take other employee disciplinary action according to law"

Representative Clements spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McMorris moved the adoption of amendment (184):

On page 2, line 29, after "campus." strike all material through "unit" on line 30 and insert "An appropriate bargaining unit of employees in (a) through (i) of this subsection includes all those employees who are employed in each school or college of the university, with only one bargaining unit allowable for each school or college"

Representative McMorris spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (184) to Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (184) to Substitute House Bill No. 2540, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Lisk - 1.

Representative Conway moved the adoption of amendment (329):

On page 3, beginning on line 1, strike all of subsection (h) and insert the following:

"(h) Except as provided in this subsection (1)(h), predoctoral researcher, predoctoral research assistant, and predoctoral research associates I and II. The employees that constitute an appropriate bargaining unit under this subsection (1) do not include predoctoral researchers, predoctoral research assistants, and predoctoral research associates I and II who are performing research primarily related to

their dissertation and who have incidental or no service expectations placed upon them by the university; and"

Representative Conway spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (317) was withdrawn.

Representative McMorris moved the adoption of amendment (279):

On page 3, line 21, after "(b)" strike "(i) Except as provided in (b)(ii) of this subsection, provisions" and insert "Provisions"

On page 3, beginning on line 29, strike all of subsection (2)(b)(ii)

Representative McMorris spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendments (185) and (186) were withdrawn.

Representative Cox moved the adoption of amendment (187):

On page 3, after line 31, insert the following:

"(3)(a) Strikes by employees covered under this section are prohibited.

(b) For the purposes of this subsection, "strike" includes any concerted action by employees or employee organizations to suspend, curtail, interrupt, withhold, or otherwise fail or refuse to perform fully their normal duties or services as employees in connection with a controversy concerning terms or conditions of their public employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of their public employment, regardless of whether the disputants in the controversy stand in the proximate relation of employer and employee. A strike includes, but is not limited to, any concerted action that would result in delaying the determination of student grades or that would impair a student's eligibility to graduate because of the failure to perform normal duties.

(c) If, upon the motion of a student or student's parent, faculty member, or the employer, a court finds that as a result of a strike student grades are unreasonably delayed or that a student's eligibility to graduate is impaired because of a delayed transcript, the court shall impose a civil penalty of one thousand dollars for each day of the delay to be paid by the exclusive bargaining representative of the bargaining unit that engaged in a strike."

Representatives Cox, Schoesler and Matson spoke in favor of the adoption of the amendment.

Representatives Conway and Wood spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (187) to Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (187) to Substitute House Bill No. 2540, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 50, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representative Lisk - 1.

With the consent of the House, amendment (188) was withdrawn.

Representative Chandler moved the adoption of amendment (189):

On page 3, after line 31, insert the following:

"(3) With respect to the determination of the exclusive bargaining representative for a bargaining unit of employees under this section, the commission must certify the exclusive bargaining representative, and such certification may be made only after an election conducted in accordance with RCW 41.56.070."

Representatives Chandler and Clements spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (189) to Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (189) to Substitute House Bill No. 2540, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 45.

Voting nay: Representatives Berkey, Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 52.

Excused: Representative Lisk - 1.

With the consent of the House, amendment (280) was withdrawn.

Representative McMorris moved the adoption of amendment (281):

On page 3, after line 31, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

(1) A labor or employee organization receiving dues deducted under chapter 41.56 RCW for employees covered under section 2 of this act must deposit all funds received in one or more identifiable deposit accounts maintained as required in subsection (4) of this section. No funds from any other source may be deposited in the account. Funds from this account may be expended for any lawful purpose, but may not be expended to make contributions to political committees or for use as political contributions, or to operate a political committee or conduct grassroots activities beyond communicating to its own membership, except on the written request of the employee as provided in RCW 42.17.680.

(2) All expenditures for political activities by a labor or employee organization subject to this section must be drawn from a deposit account designated as a political activity account and maintained as required under subsection (4) of this section.

(3) A labor or employee organization shall:

(a) Maintain complete records of all funds deposited into a deposit account subject to this section and provide the public disclosure commission an annual itemized report of all income to the accounts. The report must contain, at a minimum, the name of each person or entity from whom funds have been received into the account and each employee whose wages or salary was subject to deduction as part of the funds received; and

(b) Maintain complete records of expenditures from the deposit accounts subject to this section and provide the public disclosure commission with an annual report detailing all expenditures. Nominal expenditures under fifty dollars coming within identifiable categories, such as office expenses, may be aggregated as a single expense item in the annual report. Expenditure items should contain sufficient detail to identify the purpose and recipient of each expenditure.

(4) Each deposit account subject to this section must be a deposit account in a financial institution authorized by federal or state law to do business in Washington.

(5) A labor organization or employee organization must notify bargaining unit employees of the intended use of funds expended from deposit accounts subject to this section.

(6) The public disclosure commission may adopt such rules as are necessary to implement this section.

(7) A person or entity who violates any provision of this section is liable to the person from whose wages or salary the funds were deducted for three times the amount deducted or one thousand dollars, whichever is greater, and for costs and such reasonable attorney's fees as may be allowed by the court."

Renumber the sections consecutively and correct the title.

Representative McMorris spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendments (282) and (283) were withdrawn.

The bill was ordered engrossed.

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

Representatives Conway, McIntire, Fromhold, Kenney and Murray spoke in favor of passage of the bill.

Representatives Clements, Alexander, Cox, Esser, Matson and Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2540 and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 44.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2540, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2845, by Representatives Morris, Crouse, Morell, Pflug, Ogden, Linville and Simpson

Requiring a performance audit of the utilities and transportation commission.

The bill was read the second time. There being no objection, Substitute House Bill No. 2845 was substituted for House Bill No. 2845 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2845 was read the second time.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2845.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2845 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Woods, and Mr. Speaker - 95.

Voting nay: Representatives McIntire, and Wood - 2.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2845, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2896, by Representatives Cooper, Delvin, Conway, Campbell, Kirby, Hurst, Jackley, Sullivan, Chase, Darneille, Santos, Ogden, Quall, Morell, Simpson, Schual-Berke, Fromhold, McDermott and Romero

Allowing certain emergency medical technicians to transfer service credit.

The bill was read the second time.

Representative Hurst moved that Substitute House Bill No. 2896 not be substituted for House Bill No. 2896.

Representatives Hurst and Delvin spoke in favor of the motion. The motion was adopted.

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

Representative Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2896.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2896 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Conway, Cooper, Cox, Crouse, DeBolt, Delvin, Dickerson, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Cody, Darneille, Doumit, Lantz, McIntire, Quall, Rockefeller, Schual-Berke, and Sommers - 9.

Excused: Representative Lisk - 1.

House Bill No. 2896, having received the necessary constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2973 by Representatives Ruderman, Jarrett, Santos, McDermott, McIntire, Sommers, Schual-Berke, Conway, Wood, Esser, Kagi, Nixon, Barlean, Simpson, Kenney, Lysen and Dickerson

AN ACT Relating to housing allowances for nonsupervisory K-12 employees; amending RCW 28A.400.200, 84.52.0531, 41.32.010, 41.40.010, and 41.35.010; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 84.52 RCW; and creating a new section.

HB 2974 by Representatives Anderson, Pflug, Esser, Cairnes, Nixon, Jarrett, Morell, Roach, Casada, Mastin, Schoesler, Ahern, Benson, Mielke, Boldt, Crouse, Bush, Campbell, Delvin and Buck

AN ACT Relating to regional transit authorities; amending RCW 81.112.070, 81.112.080, 81.112.030, and 81.112.040; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2975 by Representatives DeBolt, Bush, Mastin, Schindler, Schoesler, Crouse, Talcott, Mulliken, Ahern, Campbell, Orcutt, Anderson, Benson, Clements, Morell, Lisk, Casada, Esser, Roach, Nixon, Holmquist, Schmidt, Van Luven, Buck and Alexander

AN ACT Relating to transportation; amending 2002 c 5 s 205 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, and the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of House Bill No. 2973 which was placed on the second reading calendar.

MESSAGES FROM THE SENATE

February 18, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5134,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6034,
ENGROSSED SENATE BILL NO. 6352,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6368,
SENATE BILL NO. 6372,
SENATE BILL NO. 6411,
SENATE BILL NO. 6425,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6449,
SUBSTITUTE SENATE BILL NO. 6523,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6547,
SENATE BILL NO. 6624,
ENGROSSED SENATE BILL NO. 6630,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6641,
SUBSTITUTE SENATE BILL NO. 6660,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6704,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6718,
SUBSTITUTE SENATE BILL NO. 6721,
ENGROSSED SENATE BILL NO. 6726,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

February 18, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6464,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 18, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5336,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5416,
SENATE BILL NO. 5451,
SECOND SUBSTITUTE SENATE BILL NO. 5797,
SECOND SUBSTITUTE SENATE BILL NO. 5949,
SECOND SUBSTITUTE SENATE BILL NO. 6353,
SUBSTITUTE SENATE BILL NO. 6439,
SENATE BILL NO. 6458,
SUBSTITUTE SENATE BILL NO. 6496,
SUBSTITUTE SENATE BILL NO. 6504,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,
SENATE BILL NO. 6577,
SUBSTITUTE SENATE BILL NO. 6598,
SENATE BILL NO. 6609,
SUBSTITUTE SENATE BILL NO. 6648,
SUBSTITUTE SENATE BILL NO. 6735,
SENATE BILL NO. 6798,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 18, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5909,
SUBSTITUTE SENATE BILL NO. 6249,
SUBSTITUTE SENATE BILL NO. 6343,
ENGROSSED SENATE BILL NO. 6380,
SUBSTITUTE SENATE BILL NO. 6423,
SUBSTITUTE SENATE BILL NO. 6481,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6490,
SUBSTITUTE SENATE BILL NO. 6536,
SUBSTITUTE SENATE BILL NO. 6590,
SUBSTITUTE SENATE BILL NO. 6597,
SUBSTITUTE SENATE BILL NO. 6602,
SUBSTITUTE SENATE BILL NO. 6640,
SENATE BILL NO. 6664,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
ENGROSSED SENATE BILL NO. 6675,
SENATE BILL NO. 6698,
SENATE BILL NO. 6740,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8029,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8036,

and the same are herewith transmitted.

Tony M. Cook, Secretary

February 18, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,

and the same is herewith transmitted.

Tony M. Cook, Secretary

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., February 19, 2002, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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Third Reading Final Passage 26

1411
Second Reading 26

1411-S
Second Reading Amendment 26
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Second Reading 40
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2688
Second Reading 5

2688-S
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JOURNAL OF THE HOUSE

THIRTY SIXTH DAY, FEBRUARY 18, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 19, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michael Sonntag and Ashley Heilprin. Prayer was offered by Giani Kuldeep Singh, translated by Sharahjit Singh from Gurudwara Singh Sabha, Renton.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4711, by Representatives Holmquist, Linville, Mulliken, Morris, Sump, Reardon, Pflug, Sullivan, Erickson, Kirby, Orcutt, Jackley, Schmidt, Kenney, Boldt, O'Brien, Benson, Darneille, Ahern, Hunt, Roach, McDermott, Alexander, Kagi, Chandler, Voloria, Pearson, Cody, Dunn, Conway, DeBolt, Cooper, Delvin, Fisher, Morell, Gombosky, Jarrett, Haigh, McMorris, Fromhold, Schindler, Berkey, Clements, Chase, Crouse, Edwards, Ballasiotes, Lysen, Talcott, Tokuda, Buck, Sommers, Mielke, Schual-Berke, Lisk, Ogden, Cox, Chopp, Casada, Grant, Barlean, Hatfield, Campbell, Santos, Esser, Anderson, Mitchell, Armstrong, Woods and Hankins

WHEREAS, From the tasty red potatoes of Skagit Valley to the mighty russets of the Columbia Basin, potatoes are cherished throughout Washington; and

WHEREAS, The Washington potato industry adds three billion dollars to the state's annual economy and adds some twenty-eight thousand jobs; and

WHEREAS, Washington state is the third largest producer of potatoes in the United States; and

WHEREAS, Potatoes are the second largest crop grown in Washington; and

WHEREAS, Washington state produces more potatoes per acre than anywhere else in the world; and

WHEREAS, There are nearly three hundred proud potato growers in the state of Washington harvesting nearly one hundred sixty-five thousand acres of potatoes each year; and

WHEREAS, Eighty-seven percent of potatoes are sold to processors who carefully and lovingly transform them into golden fries, crunchy chips, and whipped and creamy mashed potatoes; and

WHEREAS, Due to the long, warm days and cool nights in the mineral-rich volcanic soil of the Columbia Basin, potatoes grow up to be the light, fluffy, high-solids potatoes known worldwide; and

WHEREAS, Nearly nine out of every ten potatoes is marketed outside of Washington state, with a significant portion of these going to overseas markets;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledge and honor the women and men who plant, grow, harvest, and process potatoes in Washington state and who have contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Potato Commission and to Washington potato lovers everywhere.

Representative Holmquist moved the adoption of the resolution.

Representatives Holmquist, Linville, Schoesler and Darneille spoke in favor of the adoption of the resolution.

House Resolution No. 4711 was adopted.

SECOND READING

HOUSE BILL NO. 1144, by Representatives Kessler, Tokuda, Ogden, Keiser, Cody, Santos, Edmonds, Kenney, Linville, Darneille, O'Brien, Ruderman, Rockefeller, Dickerson, McDermott, Edwards, Conway, Schual-Berke, Jackley, Lovick, McIntire and Haigh

Modifying good cause reasons for failure to participate in the WorkFirst program.

The bill was read the second time. There being no objection, Substitute House Bill No. 1144 was substituted for House Bill No. 1144 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1144 was read the second time.

Representative Tokuda moved the adoption of amendment (242):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.08A.270 and 1997 c 58 s 314 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include:((~~(+)~~)(a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or ((~~(2) until June 30, 1999, if~~)(b) the recipient is a parent with a child under the age of one year, except that at the time a child reaches the age of three months, the recipient is required to participate in one of the following for up to twenty hours per week:

(i) Instruction or training which has the purpose of improving parenting skills or child well-being; or

(ii) Preemployment or job readiness training; or

(iii) Course study leading to a high school diploma or GED.

(2) Nothing in this section shall prevent a recipient from participating fully in the WorkFirst program on a voluntary basis. A recipient who chooses to participate fully in the WorkFirst program shall be considered to be fulfilling the requirements of this section.

(3) For any recipient who claims a good cause reason for failure to participate in the WorkFirst program based on the fact that the recipient has a child under the age of one year, the department shall, within existing resources, conduct an assessment of the recipient within ninety days and before a job search component is initiated in order to determine if the recipient has any specific service needs or employment barriers. The assessment may include identifying the need for substance abuse treatment, mental health treatment or domestic violence services, and shall be used in developing the recipient's individual responsibility plan.

(4) A parent may only receive ((~~this~~) the exemption ((for a total of twelve months, which may be consecutive or nonconsecutive; or (3) after June 30, 1999, if the recipient is a parent with a child under three months of age))under subsection (1)(b) one time, for one child."

Representative Tokuda moved the adoption of amendment (244) to amendment (242):

On page 1 of the striking amendment, line 22, after "GED" insert "; or

(iv) Volunteering in a child care facility licensed under chapter 74.15 RCW so long as the child care facility agrees to accept the recipient as a volunteer and the child without compensation while the

parent is volunteering at the facility. The volunteer recipient and his or her child shall not be counted for the purposes of determining licensed capacity or the staff to child ratio of the facility"

Representative Tokuda spoke in favor of the adoption of the amendment.

The amendment to amendment (242) was adopted.

With the consent of the House, amendments (205), (081), (202), (177) and (243) were withdrawn.

The Speaker stated the question before the House to be amendment (242) as amended to Engrossed Substitute House Bill No. 1144.

Representative Tokuda spoke in favor of the adoption of the amendment as amended.

The amendment as amended was adopted.

The bill was ordered engrossed.

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

Representatives Tokuda, Kessler, Orcutt, Boldt and Bush spoke in favor of passage of the bill.

MOTION

On motion of Representative Woods, Representative Lisk was excused.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1144.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1144 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 1144, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1477, by Representatives Dunshee, Mulliken, Lantz, Rockefeller, G. Chandler, Cooper and McIntire

Allowing counties to impose taxes for emergency communication systems.

The bill was read the second time. There being no objection, Substitute House Bill No. 1477 was substituted for House Bill No. 1477 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1477 was read the second time.

With the consent of the House, amendments (182) and (274) were withdrawn.

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

Representatives Dunshee, Mulliken, Eickmeyer, Buck and Orcutt spoke in favor of passage of the bill.

Representative Nixon spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1477.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1477 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Esser and Nixon - 2.

Excused: Representative Lisk - 1.

Second Substitute House Bill No. 1477, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2315, by Representatives Cody, McDermott, Kenney and Tokuda

Providing for the registration of recreational therapists.

The bill was read the second time. There being no objection, Substitute House Bill No. 2315 was substituted for House Bill No. 2315 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2315 was read the second time.

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

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2315.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2315 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2315, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2757, by Representatives Rockefeller, Ericksen, Hunt, Doumit, Linville and Pearson

Concerning hydraulic project approval.

The bill was read the second time. There being no objection, Substitute House Bill No. 2757 was substituted for House Bill No. 2757 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2757 was read the second time.

Representative Rockefeller moved the adoption of amendment (246):

Strike everything after the enacting clause and insert the following:

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

(1) The department of fish and wildlife issues thousands of hydraulic project approval permits each year for hydraulic projects or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

(2) The hydraulic project approval permit program can provide important habitat protection for salmon, steelhead, and trout stocks listed under the federal endangered species act.

(3) Determining the cost of processing, issuing, and implementing decisions on hydraulic project approval permit applications and whether a funding system that fairly allocates benefits to the applicant and to the public is desirable or possible.

(4) Since hydraulic project approval permit authority was first granted to the department of fish and wildlife there has been no external review and analysis of the program to determine its effectiveness.

(5) The state fish and wildlife commission should take a lead role in conducting such a review and analysis of the hydraulic project approval permit program.

NEW SECTION. Sec. 2. A new section is added to chapter 77.55 RCW to read as follows:

(1) There is hereby created the hydraulic project approval permit program technical advisory group as a subcommittee of the state fish and wildlife commission.

(2) The hydraulic project approval permit program technical advisory group shall consist of seventeen members including: One member of the commission who must serve as chair of the group; one member designated by the secretary of transportation; one member designated by the director of fish and wildlife; one member designated by the director of ecology; one member designated by the commissioner of public lands; one member representing local government designated by the association

of Washington cities and the Washington state association of counties; one member designated by the Washington state public ports association; one member designated by the regional fisheries enhancement group advisory board; one member designated by the Washington state farm bureau; one member representing marine construction, designated by the building industry association of Washington and the associated general contractors of Washington; one member designated by the American council of engineering companies; one member designated by the northwest Indian fisheries commission; one member designated by aquaculture interests; two members representing environmental organizations; one member designated by commercial fishing interests; and one member designated by recreational fishing interests.

(3) Representatives from federal regulatory agencies, including the United States army corps of engineers, the environmental protection agency, the national marine fisheries service, and the United States fish and wildlife service must be invited to participate in technical advisory group work.

(4) The committee may create technical subcommittees as needed.

(5) The commission may employ temporary staff or contract for services to provide administrative and technical assistance to the hydraulic project approval permit program technical advisory group.

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.55 RCW to read as follows:

(1) The hydraulic project approval permit program technical advisory group must conduct a study of the state hydraulic project approval permit program to determine:

(a) If there are clear statutory and administrative goals for the program;

(b) Whether the activities, projects, and physical areas covered by the program are clearly delineated in statute;

(c) Whether there is redundancy, duplication, or conflict between federal, state, or local regulatory programs of similar nature;

(d) Whether the hydraulic project approval permit program is being administered in an economical, cost-effective manner and whether there are system efficiencies that can be used to improve program performance in protecting fish life and processing permits;

(e) Consistency of hydraulic project approval permit program implementation from region to region of the state;

(f) The effectiveness of hydraulic project approval permit conditions and mitigation requirements in terms of protecting fish life;

(g) The adequacy of hydraulic project approval permit monitoring to ensure that the protection of fish life is being achieved;

(h) If currently available training and education programs are adequate and appropriate for educating department personnel responsible for adopting, implementing, and enforcing the hydraulic code and industry and other groups responsible for complying with hydraulic program requirements;

(i) Whether the hydraulic appeals board process and membership under RCW 77.55.170 can be modified to improve the hydraulic appeals process; and

(j) Based on findings from (c) through (e) of this subsection, whether existing funding sources:

(i) Are adequate for program workload; and

(ii) Fairly distribute program costs and benefits between the general taxpayer and program applicants.

(2) Once the hydraulic project approval permit program technical advisory group has concluded review of the existing program and the areas listed in subsection (1) of this section, the group must develop and provide a report to the commission, the governor, and the legislature that provides recommendations for administrative and statutory changes to improve the program, and appropriate funding sources for the program. However, projects whose sole purpose is to restore and enhance habitat are exempt from the payment of fees. The report must also identify outcome-based performance measures to improve the timeliness of permit issuance, service delivery, and client satisfaction.

(3) For those recommendations that do not receive the unanimous support of the hydraulic project approval permit program technical advisory group, a list of options for addressing the identified issue must be provided as part of the report.

(4) Any recommendations of the hydraulic project approval permit program technical advisory group concerning fees must be consistent with the direction provided in RCW 76.09.030(2) to work for the integration of the forest practices and hydraulic permitting processes. It is the legislature's intent that no hydraulic permit fees be charged once these two permitting processes are integrated.

(5) The final report of the hydraulic project approval permit program technical advisory group must be provided to the commission, the governor, and the appropriate committees of the legislature by November 15, 2002."

Correct the title.

Representatives Rockefeller and Ericksen spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representatives Rockefeller and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2757.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2757 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2757, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2629, by Representatives Wood, Conway, Kenney, Dickerson and Lysen

Regulating elevator contractors and mechanics.

The bill was read the second time. There being no objection, Substitute House Bill No. 2629 was substituted for House Bill No. 2629 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2629 was read the second time.

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

Representative Wood spoke in favor of passage of the bill.

Representatives Clements and Schoesler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2629.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2629 and the bill passed the House by the following vote: Yeas - 59, Nays - 38, Absent - 0, Excused - 1.

Voting yea: Representatives Armstrong, Berkey, Cairnes, Campbell, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Mr. Speaker - 59.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Holmquist, Jarrett, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott and Woods - 38.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2629, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2309, by Representatives Cody, Campbell, Schual-Berke, Darneille, Edwards and Kenney; by request of Department of Health

Concerning the authority of the Washington state board of denturists.

The bill was read the second time. There being no objection, Substitute House Bill No. 2309 was substituted for House Bill No. 2309 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2309 was read the second time.

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

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2309 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, by Representatives Buck, Hurst, Lisk, Talcott, Schoesler, Pflug, Woods and Pearson

Increasing penalties for chemical, biological, and other crimes.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Select Committee on Community Security was before the House for purpose of amendments. (For committee amendment(s), see Journal, 26th Day, February 8, 2002.)

Representative Simpson moved the adoption of amendment (344) to the committee amendment:

On page 2, after line 3, insert the following:

"(3) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus infectious substance, biological product, or toxin or vector, capable of causing:

(a) Death, disease, or other biological malfunction in a human, an animal, a plant, or another microorganism; or

(b) Deterioration of food, water equipment, supplies, or material of any kind; or

(c) Deleterious alteration of the environment.

(4) "Chemical agent" means any weapon, device, material, or substance that is designed or intended to cause widespread death or physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous materials.

(5) "Radioactive material" means any material containing, emitting, or otherwise releasing radiation or radioactivity at a level dangerous to human life.

(6) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whether its origin or method of production, including:

(a) Any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(b) Any poisonous isomer or biological product, homolog, or derivative of such a substance.

(7) "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.

(8) For the purposes of this section, "explosive" has the same meaning as provided in RCW 70.74.010(3)."

Representatives Simpson and Roach spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The bill was ordered engrossed.

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

Representatives Buck and Hurst spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2759.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2759 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed House Bill No. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2595, by Representatives Morris, Anderson, Gombosky, Cox, Edwards, Nixon, Ogden, Santos, Delvin, Veloria, Conway, Cooper, Ruderman, Wood, Kagi and Sullivan

Providing funding for wireless enhanced 911 services.

The bill was read the second time.

With the consent of the House, amendment (262) was withdrawn.

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

Representatives Morris, Anderson, Carrell and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2595.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2595 and the bill passed the House by the following vote: Yeas - 86, Nays - 11, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Benson, Boldt, Bush, Campbell, Carrell, Crouse, Dunn, Mielke, Schindler and Van Luven - 11.

Excused: Representative Lisk - 1.

House Bill No. 2595, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2658, by Representatives Gombosky, Dunshee, Romero, Reardon, Berkey, Upthegrove, Edwards, Chase, Kenney, Linville, McIntire and Conway; by request of Governor Locke

Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity.

The bill was read the second time. There being no objection, Substitute House Bill No. 2658 was substituted for House Bill No. 2658 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2658 was read the second time.

Representative Cairnes moved the adoption of amendment (211):

On page 2, line 23, after "commerce" insert "and downtown business associations"

Representatives Cairnes and Gombosky spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Kessler moved the adoption of amendment (212):

On page 3, beginning on line 3, strike all of subsection (2)(b) and insert the following:
"(b) A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. A city with a small business tax exemption or threshold in excess of that provided in this subsection prior to January 1, 2002, shall retain its current threshold;"

On page 4, beginning on line 27, strike all of section 5

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Kessler spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against adoption of the amendment.

The amendment was adopted.

Representative Santos moved the adoption of amendment (213):

On page 10, line 15, after "impacts." insert "The department shall also examine the impacts of allocation and apportionment alternatives on businesses operating in both single and multiple local jurisdictions."

Representatives Santos and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Santos moved the adoption of amendment (214):

On page 10, beginning on line 16, strike all of subsection (2) and insert the following:
"(2) By January 1, 2005, the model ordinance shall be amended solely for the purpose of adopting a provision for apportionment and allocation of business income."

Representative Santos spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against adoption of the amendment.

The amendment was adopted.

Representative Morris moved the adoption of amendment (251):

On page 11, beginning on line 1, after "(1)" strike everything through "incident." on line 5 and insert "A city, code city, or town shall not impose a tax measured by "gross proceeds of sales," "gross income of the business," or "value proceeding or accruing," as those terms are used in chapter 82.04 RCW, upon any intellectual property creating activity as a taxable incident, unless the city, code city, or town imposed such a tax on January 1, 2002. Effective January 1, 2004, all cities, code cities, and towns are prohibited from imposing a tax measured by "gross proceeds of sales," "gross income of the business," or "value proceeding or accruing," as those terms are used in chapter 82.04 RCW, upon any intellectual property creating activity as a taxable incident."

On page 11, line 25, strike "takes effect July 1, 2003." and insert "is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representative Morris spoke in favor of the adoption of the amendment.

Representative Cairnes spoke against the adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 50-YEAS; 47-NAYS. The amendment was adopted.

With the consent of the House, amendment (258) was withdrawn.

Representative Cairnes moved the adoption of amendment (123):

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS AND INTENT. (1) The legislature finds that:

(a) Businesses in Washington are concerned about the potential multiple taxation that arises due to the various city gross receipts taxes and the lack of uniformity among city jurisdictions;

(b) The current system of city gross receipts taxes has a negative impact on Washington's business climate by creating complexity and inconsistencies for taxpayers;

(c) City gross receipts tax revenue provides a sizable portion of city revenue that is used for essential services;

(d) Local government services contribute to a healthy business climate; and

(e) Cities have and should retain the flexibility to tailor their tax structures to meet unique local needs, but that flexibility must be balanced with predictability and ease of administration of city gross receipts taxes.

(2) Therefore, it is the intent of the legislature to:

(a) Require cities that impose a gross receipts tax to adopt a model ordinance that creates a more uniform system of city gross receipts taxes;

(b) Eliminate any potential for multiple taxation of the same gross income;

(c) Make city gross receipts taxes simpler, more predictable, and easier to administer, while allowing for some continued local control and flexibility for cities.

NEW SECTION. Sec. 2. MUNICIPAL GROSS RECEIPTS TAX--LIMITED SCOPE.

Sections 3 through 15 of this act do not apply to gross receipts taxes on business activities that, before February 1, 2002, have been historically or traditionally taxed as a utility business for municipal tax purposes such as:

- (1) A light and power business or a natural gas distribution business, as defined in RCW 82.16.010;
- (2) A telephone business, as defined in RCW 82.04.065;
- (3) Cable television services;
- (4) Sewer or water services;
- (5) Drainage services;
- (6) Solid waste services; or
- (7) Steam services.

NEW SECTION. Sec. 3. MUNICIPAL GROSS RECEIPTS TAX--DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

- (1) "Business" has the same meaning as that provided in RCW 82.04.140.
- (2) "City" means a city, town, or code city.
- (3) "Business and occupation tax" or "gross receipts tax" means a tax which is imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be and which is also not, pursuant to law or custom, separately stated from the sales price. As used throughout this chapter, the terms "value of products," "gross income of the business," and "gross proceeds of sales" have the same meaning as those provided in chapter 82.04 RCW.
- (4) "Local jurisdiction" means any city, town, code city, county, municipal district or corporation, political subdivision, Indian reservation, or federal area located in the state of Washington.

NEW SECTION. Sec. 4. MUNICIPAL GROSS RECEIPTS TAX--MODEL ORDINANCE.

(1)(a) The association of Washington cities shall form a model ordinance development committee made up of a representative sampling of large, medium, and small cities that currently impose a gross receipts tax. By September 1, 2003, this committee shall develop and adopt a model ordinance regarding municipal gross receipts taxes in accordance with the provisions of this chapter. The committee shall develop the model ordinance and any subsequent amendments using a process that includes substantial input from business stakeholders and other members of the public. Input shall be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a gross receipts tax.

(b) The municipal research and services center shall post the officially adopted version of the model ordinance and a summary of any stakeholder input on its internet web site and shall have paper copies available upon request. Additionally, a city that imposes a gross receipts tax must make copies of its full and complete gross receipts tax ordinance available in both electronic and paper form. The model ordinance and accompanying information shall also be made available to the department of revenue taxpayer information services division and the department of licensing master license program.

(c) The definitions and tax classifications provided in the model ordinance may not be amended more frequently than once every four years. However, the model ordinance may be amended at any time to comply with changes in state law. Any amendment made to the model ordinance under this subsection (1)(c) shall be posted on the internet web site of the municipal research and services center at least one hundred twenty days prior to the effective date of the amendment. In addition, any amendment to a mandatory provision of the model ordinance must be uniformly adopted with the same effective date by all cities imposing a gross receipts tax.

(2) The model ordinance must contain, at a minimum, the following, mandatory provisions:

(a) The following core definitions from the state business and occupation tax: RCW 82.04.030 ("Person," "company"); RCW 82.04.040 ("Sale," "casual or isolated sale"); RCW 82.04.050 ("Sale at retail," "retail sale"); RCW 82.04.060 ("Sale at wholesale," "wholesale sale"); RCW 82.04.070 ("Gross proceeds of sales"); RCW 82.04.080 ("Gross income of the business"); RCW 82.04.090 ("Value proceeding or accruing"); RCW 82.04.100 ("Extractor"); RCW 82.04.110 ("Manufacturer"); RCW 82.04.120 ("To manufacture"); RCW 82.04.130 ("Commercial or industrial use"); RCW 82.04.140 ("Business"); RCW 82.04.150 ("Engaging in business"); and RCW 82.04.190 ("Consumer"). The incorporation of these core definitions in the model ordinance shall be construed to include, as an extension of each definition, any state level determination, regulation, interpretation, or court opinion pertaining to any one of these definitions. In addition, if the model ordinance or an individual city uses a classification, exemption, deduction or credit substantially similar to one set forth in the state's gross receipts tax system, the definitions used for the classification, exemption, deduction,

or credit shall be identical to those provided in the state's gross receipts business and occupation tax system. However, this subsection (2) shall not be construed to limit any individual city's flexibility to establish its own classifications or rate structures for gross receipts tax purposes subject to the provisions of RCW 35.21.710 nor shall it be construed to reduce, limit, or eliminate a city's ability to continue to tax an activity at the rate established for an activity prior to January 1, 2002, pursuant to either a gross receipts tax or utility tax;

(b) The system of credits contained in section 6 of this act and a form for such use;

(c) A uniform, minimum small business tax exemption of at least the equivalent of twenty-five thousand dollars in gross income. A city may elect to deviate from this requirement by creating a higher threshold, but it shall not deviate lower than the level required in this subsection (2)(c). A city with a small business tax exemption or threshold in excess of that provided in this subsection (2)(c) prior to January 1, 2001, shall retain its current threshold;

(d) Tax reporting frequencies that meet the requirements of section 8 of this act;

(e) Penalty and interest provisions that meet the requirements of sections 9 and 10 of this act;

(f) Claim periods that meet the requirements of section 11 of this act;

(g) Refund provisions that meet the requirements of section 12 of this act.

(3) Except for the system of credits developed to address multiple taxation under subsection (2)(b) of this section, the model ordinance may adopt its own provisions for tax exemptions, tax credits, and tax deductions.

(4) In drafting the mandatory definitions required under subsection (2)(a) of this section, the committee established in subsection (1)(a) of this section shall, by December 1, 2003, develop recommendations to the legislature regarding possible amendments to the state's gross receipts tax definitions to make them more clear, concise, understandable, and easier to administer as part of the model ordinance.

NEW SECTION. Sec. 5. MUNICIPAL GROSS RECEIPTS TAX--MODEL ORDINANCE ADOPTION REQUIRED. (1) A city with a population of fifty thousand or more and imposing a gross receipts tax must adopt and implement, at a minimum, the mandatory provisions of the model ordinance provided in section 4 of this act by January 1, 2004. However, if a definition required to be adopted as a mandatory provision of the model ordinance under section 4(2)(a) of this act would cause a city with a population of fifty thousand or more to lose more than ten percent of the total gross receipts taxes received by that city, the city may delay the adoption of that particular definition until January 1, 2005.

(2) A city with a population of less than fifty thousand and imposing a gross receipts tax must adopt and implement, at a minimum, the mandatory provisions of the model ordinance provided in section 4 of this act by January 1, 2005. However, if a definition required to be adopted as a mandatory provision of the model ordinance under section 4(2)(a) of this act would cause a city with a population of less than fifty thousand to lose more than ten percent of the total gross receipts taxes received by that city, the city may delay the adoption of that particular definition until January 1, 2006.

(3) While it is the intent of the legislature to allow some deviation from the nonmandatory provisions of the model ordinance, cities are encouraged to deviate as little as possible from the nonmandatory portions of the model ordinance to maintain the highest degree of uniformity among the cities imposing a gross receipts tax. If a city chooses to deviate from the nonmandatory provisions of the model ordinance, the deviation should be noted along with an explanatory statement regarding the deviation. Both the deviation and the explanatory statement shall then be placed in a centralized depository such as the municipal research and services center to provide taxpayers with quick access to all deviations in both paper and electronic form.

NEW SECTION. Sec. 6. MUNICIPAL GROSS RECEIPTS TAX--MULTIPLE TAXATION--CREDIT SYSTEM. (1) It is the intent of the legislature in providing the system of credits in subsections (3)(a) and (b) of this section to eliminate any circumstance that would result in any city or multiple cities imposing a gross receipts business and occupation tax on greater than one hundred percent of the gross income of the business.

(2)(a) Persons who engage in business activities that are within the purview of more than one classification of a gross receipts business and occupation tax shall be taxable under each applicable classification.

(b) Notwithstanding anything to the contrary in this section, if imposition of the tax would place an undue burden upon interstate commerce or violate other constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the tax.

(3)(a) Every person engaged in manufacturing activities is allowed a credit against the measure of tax of any manufacturing gross receipts tax imposed by a local jurisdiction for any portion of the measure of tax which has been previously subjected to a local jurisdiction gross receipts tax on either extracting or previously performed manufacturing activities.

(b) Every person engaged in making retail or wholesale sales is allowed a credit against the measure of tax of any retailing or wholesaling gross receipts tax imposed by a local jurisdiction for any portion of the measure of tax which has been previously subjected to a local jurisdiction gross receipts tax on either extracting or manufacturing activities.

(c) The model ordinance provided for in section 4 of this act shall be drafted to address the issue of multiple taxation for those tax classifications that are in addition to those enumerated in (a) and (b) of this subsection. The objective of any such provisions shall be to eliminate multiple taxation of the same income by two or more cities through the use of credits against the measure of tax.

NEW SECTION. Sec. 7. MUNICIPAL GROSS RECEIPTS TAX--NEXUS. A city may not impose a gross receipts tax on a person unless that person has nexus with the city. For the purposes of this section, the term "nexus" means business activities conducted by a person sufficient to subject that person to the taxing jurisdiction of a city under the standards established for interstate commerce under the commerce clause of the United States Constitution.

NEW SECTION. Sec. 8. MUNICIPAL GROSS RECEIPTS TAX--REPORTING FREQUENCY. A city that imposes a gross receipts tax shall allow reporting and payment of tax on a monthly, quarterly, or annual basis. The frequency for any particular person may be assigned at the discretion of the city, except that monthly reporting may be assigned only if it can be demonstrated that the taxpayer is remitting excise tax to the state on a monthly basis. For persons assigned a monthly frequency, payment is due within the same time period provided for monthly taxpayers under RCW 82.32.045(1). For persons assigned a quarterly or annual frequency, payment is due within the same time period as provided for quarterly or annual frequency under RCW 82.32.045(2).

NEW SECTION. Sec. 9. MUNICIPAL GROSS RECEIPTS TAX--PENALTIES AND INTEREST. (1) A city that imposes a gross receipts tax shall compute interest charged a taxpayer on an underpaid tax or penalty in accordance with RCW 82.32.050.

(2) A city that imposes a gross receipts tax shall compute interest paid on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with RCW 82.32.060.

NEW SECTION. Sec. 10. MUNICIPAL BUSINESS AND OCCUPATION TAX--PENALTIES. A city that imposes a gross receipts tax shall provide for the imposition of penalties as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the city by the due date, the taxpayer shall be charged a penalty equivalent to that provided in RCW 82.32.090(1).

(2) If payment of any tax assessed by the city is not received by the city by the due date specified in the notice, or any extension, the city shall add a penalty equivalent to that provided in RCW 82.32.090(2).

(3) If a warrant is issued by the city for the collection of taxes, increases, and penalties, a penalty equivalent to that provided in RCW 82.32.090(3) shall be added to it.

(4) If the city, code city, or town finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the city shall add a penalty equivalent to that provided in RCW 82.32.090(4). A taxpayer disregards specific written instructions when the city has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the city has not issued final instructions because the matter is under appeal. The city shall not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the city to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that specific written instructions apply only to the taxpayer addressed or referenced on the documents. Any specific written instructions by the city shall

be clearly identified as such and shall inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(5) If the city finds that all or any part of the deficiency resulted from an intent to evade the tax, a further penalty equivalent to that provided in RCW 82.32.090(5) shall be added.

(6) The aggregate of penalties imposed under subsections (1), (2), and (3) of this section shall not exceed the limit for penalties provided in RCW 82.32.090(6). This subsection does not prohibit or restrict the application of other penalties authorized by law.

(7) The city may not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.

(8) For the purposes of this section, "return" means any document a person is required by the city to file to satisfy or establish a tax obligation that is administered by the city and that has a due date defined by ordinance.

NEW SECTION. Sec. 11. MUNICIPAL GROSS RECEIPTS TAX--CLAIM PERIOD. The provisions relating to the time period allowed for an assessment or correction of an assessment for additional taxes, penalties, or interest shall be substantially identical to those provided in RCW 82.32.050(3).

NEW SECTION. Sec. 12. MUNICIPAL GROSS RECEIPTS TAX--REFUND PERIOD. The provisions relating to the time period allowed for a refund of taxes paid shall be substantially identical to those provided in RCW 82.32.060 (1) and (2).

NEW SECTION. Sec. 13. MUNICIPAL GROSS RECEIPTS TAX--APPORTIONMENT PROVISIONS. (1) For the purposes of apportioning or allocating gross income of the business for city gross receipts taxes:

(a) The total tax measure apportioned or allocated to all applicable local jurisdictions shall not exceed the total tax measure computed by the state for the purpose of state gross receipts taxation.

(b) All state and federal constitutional provisions and laws pertaining to the establishment of due process and commerce clause protections for the taxation of interstate commerce are duly applicable to the establishment of due process and commerce clause protections for the taxation of intrastate commerce.

(2) The following specific guidelines shall be applied by any city that imposes a gross receipts tax:

(a) For the purposes of imposing a gross receipts tax on extracting, manufacturing, or processing for hire activities, the activities are subject to tax in the local jurisdiction where the activities occur. If the activities occur in more than one local jurisdiction, the activities are consistently, equitably, and reasonably apportioned between or among those local jurisdictions even though the taxpayer may not have an office or other permanent place of business in each jurisdiction.

(b) For the purposes of imposing a gross receipts tax on retail sales, all sales are subject to tax in the local jurisdiction where the sales occur. For the purposes of determining where a retail sale occurs under this subsection (2)(b), the methods provided in RCW 82.14.020 (1) through (5) for determining where a retail sale occurs apply.

(c) For the purposes of imposing a gross receipts tax on wholesale sales, all sales are subject to tax in the local jurisdiction where the sales occur. For the purposes of determining where a wholesale sale occurs under this subsection, the methods provided in RCW 82.14.020 (1) through (5) for determining where a retail sale occurs apply as if the wholesale sale was a retail sale.

(d) For the purposes of imposing a gross receipts tax on any person rendering services, other than services defined as a retail sale under RCW 82.04.050, the services are subject to tax in the local jurisdiction where the services were primarily performed. If the person rendering services performs substantial service activities in more than one local jurisdiction, the person shall apportion to each local jurisdiction that portion of the total gross income that is derived from services rendered in each local jurisdiction. Where apportionment cannot be accurately made by separate accounting methods, the person shall apportion to each local jurisdiction that proportion of the total gross income which is derived from services which the cost of performing the services within a local jurisdiction bears to the total cost of performing the services in all local jurisdictions. The city shall apportion the gross receipts derived from services even though the taxpayer may not have an office or other permanent place of business in each jurisdiction where it performs the services.

(e) Under no circumstances may a business apportion or allocate gross receipts to a jurisdiction in which it has no nexus for tax purposes.

(f) Upon the effective date of this section, the model ordinance developed under section 4 of this act shall not contain any provisions relating to the apportionment or allocation of gross income.

NEW SECTION. Sec. 14. MUNICIPAL GROSS RECEIPTS TAX--APPORTIONMENT PROVISIONS STUDY. The department of revenue shall work with the association of Washington cities and the business community to study the possible impacts of section 13 of this act regarding the issues of apportionment and allocation of income as they relate to cities, businesses engaged in business solely within the boundaries of a single, local jurisdiction, and businesses engaged in business within multiple local jurisdictions. In conducting the study, the department shall perform an independent analysis of the specific revenue impacts to cities, if any, which may occur when section 13 of this act is implemented. If the department determines that revenue impacts are anticipated as a result of the implementation of section 13 of this act, it shall, on January 1, 2004, make recommendations to the governor and the fiscal committees of the legislature regarding actions the legislature could take to mitigate the financial impact. In addition to methods offered by the department to financially mitigate any impact, the recommendations may also include the substantive alteration or repeal of section 13 of this act.

NEW SECTION. Sec. 15. MUNICIPAL GROSS RECEIPTS TAX--IMPLEMENTATION BY CITIES--CONTINGENT AUTHORITY. A city that has not complied with the model ordinance adoption requirements of section 5 of this act may not impose a gross receipts tax on business activities subject to the mandatory provisions of the model ordinance.

NEW SECTION. Sec. 16. MUNICIPAL GROSS RECEIPTS TAX--PREEMPTION OF GROSS RECEIPTS TAXATION OF INTELLECTUAL PROPERTY. (1) A city shall not impose a gross receipts tax upon any intellectual property creating activity. However, nothing in this section shall be construed to prohibit a city from imposing a gross receipts tax on the sale of tangible personal property or services that include the benefits from intellectual property creating activities.

(2) For the purposes of this section, "intellectual property creating activity" means research, development, authorship, creation, or general or specific inventive activity without regard to whether the intellectual property creating activity results in the creation of patents, trademarks, trade secrets, matter subject to copyright, or any other intellectual property.

Sec. 17. RCW 82.32.060 and 1999 c 358 s 13 are each amended to read as follows:

(1) If, upon receipt of an application by a taxpayer for a refund or for an audit of the taxpayer's records, or upon an examination of the returns or records of any taxpayer, it is determined by the department that within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050 any amount of tax, penalty, or interest has been paid in excess of that properly due, the excess amount paid within, or attributable to, such period shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at the taxpayer's option. Except as provided in subsections (2) and (3) of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.

(2) The execution of a written waiver under RCW 82.32.050 or 82.32.100 shall extend the time for making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an application for refund of such taxes is made by the taxpayer or the department discovers a refund or credit is due.

(3) Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which the taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the department within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: PROVIDED, That no interest shall be allowed on such refund.

(4) Any such refunds shall be made by means of vouchers approved by the department and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

However, taxpayers who are required to pay taxes by electronic funds transfer under RCW 82.32.080 shall have any refunds paid by electronic funds transfer.

(5) Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in the same manner, as provided in subsection (4) of this section, upon the filing with the department of a certified copy of the order or judgment of the court.

(a) Interest at the rate of three percent per annum shall be allowed by the department and by any court on the amount of any refund, credit, or other recovery allowed to a taxpayer for taxes, penalties, or interest paid by the taxpayer before January 1, 1992. This rate of interest shall apply for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(b) For refunds or credits of amounts paid or other recovery allowed to a taxpayer after December 31, 1991, the rate of interest shall be the rate as computed for assessments under RCW 82.32.050(2) less one percent. This rate of interest shall apply for all interest allowed through December 31, 1998. Interest allowed after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year for use in computing interest for that calendar year.

(6)(a) Interest allowed on a credit notice or refund issued after July 1, 2002, shall be computed from the last day of each calendar year containing the overpayment, and the last day of the final month included in a credit notice or refund if not the end of a calendar year.

(b) The department's credit notices shall include any applicable interest. Interest allowed with a credit notice shall accrue up to the date the taxpayer could reasonably be expected to use the credit notice, as defined by the department's rules.

(c) If a credit notice is converted to a refund, interest shall be recomputed to the date the refund is issued, but not to exceed the amount of interest that would have been allowed with the credit notice.

NEW SECTION. Sec. 18. CAPTIONS. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 19. CODIFICATION. Sections 1 through 16, 18, and 20 of this act constitute a new chapter in Title 35 RCW.

NEW SECTION. Sec. 20. EFFECTIVE DATES. (1) Section 13 of this act takes effect January 1, 2005.

(2) Section 17 of this act takes effect July 1, 2002."

Correct the title.

Representative Cairnes spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

Division was demanded. The Speaker divided the House. The results of the division was 47-YEAS; 50-NAYS. The amendment was not adopted.

The bill was ordered engrossed.

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

Representatives Gombosky, Santos, Dickerson, Kessler, Ruderman, Morris, McIntire, Linville and Gombosky (again) spoke in favor of passage of the bill.

Representatives Cairnes, Roach, Orcutt, DeBolt, Mielke, Ahern, Boldt, Benson, Nixon, Ericksen and Morell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2658.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2658 and the bill passed the House by the following vote: Yeas - 51, Nays - 46, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 46.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 2658, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2658.

CATHY MCMORRIS, 7th District

HOUSE BILL NO. 1555, by Representatives Dunshee, Mulliken, Cooper, Cairnes, Kirby and Mielke

Adopting state building codes.

The bill was read the second time. There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 1555 was read the second time.

With the consent of the House, amendments (261), (295), (347), (332) and (296) were withdrawn.

Representative Dunshee moved the adoption of amendment (253):

Strike everything after the enacting clause and insert the following:
"**NEW SECTION. Sec. 1.** The legislature finds that the promotion of the public health, safety, and welfare of the occupants and users of buildings and structures and the general public is accomplished through the adoption of codes, standards, and regulations that regulate the construction, reconstruction, and repair of residential, commercial, and industrial buildings and structures. The legislature further finds that regulation of the construction, reconstruction, and repair of residential, commercial, and industrial buildings and structures is best accomplished through the application of a state-wide building code."

Correct the title.

Representative Dunshee spoke in favor of the adoption of the amendment.

Representatives Cairnes, Matson, Bush and Boldt spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Dunshee spoke in favor of passage of the bill.

Representatives Mulliken, Carrell and Cairnes spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1555.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1555 and the bill passed the House by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 47.

Excused: Representative Lisk - 1.

Engrossed Substitute House Bill No. 1555, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 1555.

JIM DUNN, 17th District

HOUSE BILL NO. 2466, by Representatives Morell, Kirby, Edwards, Darneille, Van Luven, Anderson, Simpson, Talcott, Hunt, Esser, Ahern, Carrell, Jarrett, Bush, Boldt, Casada and Woods

Revising the multiple-unit dwellings property tax exemption.

The bill was read the second time. There being no objection, Substitute House Bill No. 2466 was substituted for House Bill No. 2466 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2466 was read the second time.

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

Representatives Morell, Gombosky and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2466.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2466, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2500, by Representatives Hunt, Romero, Anderson and Miloscia

Improving notice to rule-making petitioners.

The bill was read the second time.

Representative Romero moved the adoption of amendment (248):

On page 1, line, 16, after "and" strike "in any" and insert "by any relevant"

Representatives Romero and McMorris spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

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

Representative Hunt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2500.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2500 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Engrossed House Bill No. 2500, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1759, by House Committee on Health Care (originally sponsored by Representatives Darneille, Schual-Berke, McDermott, Santos, Murray, Tokuda and Wood)

Allowing for the sale of hypodermic syringes and needles to reduce the transmission of bloodborne diseases.

The bill was read the second time.

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

Representatives Darneille and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1759.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759 and the bill passed the House by the following vote: Yeas - 75, Nays - 22, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Buck, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Ballard, Barlean, Benson, Boldt, Bush, Carrell, Chandler, Crouse, Dunn, Ericksen, Esser, Holmquist, McMorris, Mielke, Mulliken, Orcutt, Roach, Schindler, Sump, Talcott and Van Luven - 22.

Excused: Representative Lisk - 1.

Substitute House Bill No. 1759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2495, by Representatives Mulliken, Dunshee, Edwards, Miloscia and Casada

Updating outdated fire district statutes to increase efficiency.

The bill was read the second time. There being no objection, Substitute House Bill No. 2495 was substituted for House Bill No. 2495 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2495 was read the second time.

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

Representatives Mulliken and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2495.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2495 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Lisk - 1.

Substitute House Bill No. 2495, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2607, by Representatives McDermott, Armstrong, Ruderman, Rockefeller, Campbell, Conway, Cody, Pearson, Esser and Kenney

Requiring physical examinations prior to participation in interscholastic athletic activities.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 26th Day, February 8, 2002.)

The bill was ordered engrossed.

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

Representatives McDermott, Campbell and Schindler spoke in favor of passage of the bill.

Representative Pflug spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2607.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2607 and the bill passed the House by the following vote: Yeas - 82, Nays - 15, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Linville, Lovick, Lysen, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 82.

Voting nay: Representatives Anderson, Ballard, Buck, Fisher, Fromhold, Hunt, Kagi, Lantz, Mastin, Mitchell, Orcutt, Pflug, Schual-Berke, Sehlin and Skinner - 15.

Excused: Representative Lisk - 1.

Engrossed House Bill No. 2607, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2902, by Representatives Santos, McDermott and Kenney

Affirming the authority of cities and towns to operate fire hydrants and streetlights.

The bill was read the second time.

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

Representatives Santos, Dunshee and Jarrett spoke in favor of passage of the bill.

Representatives Crouse and Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2902.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2902 and the bill passed the House by the following vote: Yeas - 65, Nays - 32, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Barlean, Berkey, Buck, Cairnes, Carrell, Casada, Chase, Cody, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Benson, Boldt, Bush, Campbell, Chandler, Clements, Conway, Cox, Crouse, Delvin, Dunn, Holmquist, Kirby, Mastin, McMorris, Mielke, Mulliken, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Van Luven and Woods - 32.

Excused: Representative Lisk - 1.

House Bill No. 2902, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION & FIRST READING

HB 2974 by Representatives Anderson, Pflug, Esser, Cairnes, Nixon, Jarrett, Morell, Roach, Casada, Mastin, Schoesler, Ahern, Benson, Mielke, Boldt, Crouse, Bush, Campbell, Delvin and Buck

AN ACT Relating to regional transit authorities; amending RCW 81.112.070, 81.112.080, 81.112.030, and 81.112.040; adding a new section to chapter 81.112 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 2975 by Representatives DeBolt, Bush, Mastin, Schindler, Schoesler, Crouse, Talcott, Mulliken, Ahern, Campbell, Orcutt, Anderson, Benson, Clements, Morell, Lisk, Casada, Esser, Roach, Nixon, Holmquist, Schmidt, Van Luven, Buck and Alexander

AN ACT Relating to transportation; amending 2002 c 5 s 205 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 2976 by Representatives Roach, Casada, Bush and Carrell

AN ACT Relating to charges for surface water runoff; and amending RCW 36.89.080.

Referred to Committee on Local Government & Housing.

E2SSB 5134 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Kastama, Winsley and Regala)

AN ACT Relating to the mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.070, 59.20.073, and 59.20.080.

Referred to Committee on Local Government & Housing.

2SSB 5336 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Horn, Shin, McAuliffe, B. Sheldon, Constantine and Kline)

AN ACT Relating to a loan repayment endowment program for attorneys who provide legal services in public interest areas of the law; reenacting and amending RCW 43.79A.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

ESSB 5416 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Patterson, Stevens, Long, Hargrove, Rossi, Winsley, McAuliffe and Rasmussen)

AN ACT Relating to drug-affected infants; amending RCW 70.83E.020; and adding a new section to chapter 70.83E RCW.

Referred to Committee on Children & Family Services.

SB 5451 by Senators Costa, Kline, McCaslin and Kohl-Welles; by request of Attorney General

AN ACT Relating to actions for crimes of violence motivated by gender; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

2SSB 5797 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice, Deccio, Fairley, Thibaudeau and Costa)

AN ACT Relating to authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance; amending RCW 51.04.030, 51.04.050, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.055, 51.32.055, 51.32.095, 51.36.010, 51.36.060, 51.36.110, 51.48.060, and 51.52.010; reenacting and amending RCW 51.32.090; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5831 by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Swecker, Fairley, Oke, Constantine, Regala, Rasmussen and Hochstatter)

AN ACT Relating to Initiative Measure No. 713; repealing RCW 77.15.192, 77.15.194, 77.15.196, and 77.15.198; repealing 2001 c 1 s 1 (Initiative Measure No. 713) (uncodified); and repealing 2001 c 1 s 6 (Initiative Measure No. 713) (uncodified).

Referred to Committee on Natural Resources.

2SSB 5909 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Regala, Spanel and Thibaudeau)

AN ACT Relating to financial responsibility requirements for vessels and facilities; amending RCW 88.40.011, 88.40.020, 88.40.025, and 88.40.040; and creating new sections.

Referred to Committee on Agriculture & Ecology.

2SSB 5949 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

AN ACT Relating to erecting and maintaining motorist information sign panels; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

E2SSB 6034 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser and Finkbeiner)

AN ACT Relating to a state wireless enhanced 911 excise tax; amending RCW 38.52.010, 38.52.530, 38.52.540, 38.52.550, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; adding a new section to chapter 38.52 RCW; creating a new section; repealing RCW 38.52.560; and providing an effective date.

Referred to Committee on Finance.

SSB 6249 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Kastama, Rasmussen and Roach)

AN ACT Relating to the Distinguished Flying Cross license plate; amending RCW 46.16.290 and 46.16.313; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 6343 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Roach, Poulsen, Sheahan, Regala, Hochstatter and Oke)

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

Referred to Committee on Judiciary.

2SSB 6353 by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Oke and Jacobsen)

AN ACT Relating to migratory bird stamps; and amending RCW 77.32.350 and 77.12.670.

Referred to Committee on Natural Resources.

ESB 6352 by Senators Gardner, Benton, Haugen, Kline, Horn and Rasmussen

AN ACT Relating to commercial drivers' offenses; amending RCW 46.63.070, 10.05.010, 10.05.015, and 46.52.130; and repealing RCW 48.30.310.

Referred to Committee on Transportation.

ESSB 6368 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio and Winsley)

AN ACT Relating to development of a prescription drug education and utilization system; amending RCW 74.09.010, 41.05.011, 42.30.110, and 41.05.026; reenacting and amending RCW 42.17.310; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 72.09 RCW; adding new sections to chapter 43.60A RCW; adding a new section to chapter 51.36 RCW; adding a new section to chapter 69.41 RCW; creating new sections; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

SB 6372 by Senators Fraser and Winsley; by request of Department of Personnel

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

Referred to Committee on State Government.

ESB 6380 by Senators Winsley, Fraser, Carlson, Spanel, Jacobsen, Regala, Rasmussen, McAuliffe and Kohl-Welles; by request of Joint Committee on Pension Policy

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

Referred to Committee on Appropriations.

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

AN ACT Relating to the participation in the running start program by institutions of higher education; and amending RCW 28A.600.300.

Referred to Committee on Higher Education.

SSB 6423 by Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin)

AN ACT Relating to use of criminal history in sentencing decisions; amending RCW 9.94A.525; reenacting and amending RCW 9.94A.030; creating new sections; and prescribing penalties.

Referred to Committee on Criminal Justice & Corrections.

SB 6425 by Senators McAuliffe, Carlson, Fairley, Kohl-Welles and Winsley

AN ACT Relating to authorizing access to school meal programs and kitchen facilities; and amending RCW 28A.235.120.

Referred to Committee on Education.

SSB 6439 by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Haugen, McCaslin and Winsley; by request of Governor Locke and Attorney General)

AN ACT Relating to exemptions from disclosure of public records for domestic security purposes; and reenacting and amending RCW 42.17.310.

Referred to Committee on Select Committee on Community Security.

ESSB 6449 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Kastama)

AN ACT Relating to allowing entrance and exit fees under limited circumstances; and amending RCW 59.20.060.

Referred to Committee on Local Government & Housing.

SB 6458 by Senators Long and Costa

AN ACT Relating to jury fees; and amending RCW 3.50.135, 3.62.060, 10.46.190, 12.12.030, 35.20.090, and 36.18.016.

Referred to Committee on Judiciary.

ESSB 6464 by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Horn and Kohl-Welles)

AN ACT Relating to city transportation authority; amending RCW 84.52.010 and 84.52.052; adding a new chapter to Title 36 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 6481 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice and Winsley)

AN ACT Relating to regulating insurance for rental vehicles; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

ESSB 6490 by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Kline, Rasmussen, Keiser, Regala, Benton, Honeyford, Oke, Hale, McDonald, Johnson, McCaslin, Kastama, Sheahan and Stevens)

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

Referred to Committee on Criminal Justice & Corrections.

SSB 6496 by Senate Committee on Judiciary (originally sponsored by Senators Kohl-Welles, Kline, McCaslin and Winsley)

AN ACT Relating to vehicular pursuit by law enforcement officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SSB 6504 by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Horn, Shin, Carlson, B. Sheldon, McAuliffe, Parlette, Jacobsen, Franklin and Sheahan)

AN ACT Relating to institutions of higher education; amending RCW 28B.10.569, 28B.45.010, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.050, 28B.80.450, 28B.80.510, 28B.101.020, 34.05.514, and 43.105.820; and reenacting and amending RCW 28B.101.040.

Referred to Committee on Higher Education.

ESSB 6528 by Senate Committee on State & Local Government (originally sponsored by Senators Keiser, Eide and Costa)

AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

SSB 6534 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, McAuliffe, Winsley, Hale, Rasmussen and Kohl-Welles)

AN ACT Relating to creating a law enforcement memorial; amending RCW 46.16.313; adding a new section to chapter 43.79 RCW; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

SSB 6536 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long and Costa)

AN ACT Relating to caseload requirements for department of social and health services personnel; and amending RCW 43.20A.010.

Referred to Committee on Children & Family Services.

SSB 6547 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Johnson, Eide, Horn, Spanel, Gardner, Benton, Winsley, Hale, Regala and Hewitt)

AN ACT Relating to traffic safety education for persons under the age of eighteen; amending RCW 46.20.100, 46.20.055, 46.20.070, and 46.82.300; adding a new section to chapter 46.82 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SB 6577 by Senators Gardner, Roach and Costa

AN ACT Relating to identification of subcontractors on public works contracts; amending RCW 39.30.060; and creating a new section.

Referred to Committee on State Government.

SSB 6590 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators McAuliffe, Rossi and Kohl-Welles)

AN ACT Relating to improving K-12 preparedness and performance through promoting better oral health; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Health Care.

SSB 6597 by Senate Committee on State & Local Government (originally sponsored by Senators Winsley, Gardner, Kohl-Welles, B. Sheldon and Keiser)

AN ACT Relating to alternative public works contracting procedures; amending RCW 39.10.051, 39.10.061, 39.10.067, and 39.10.902; and declaring an emergency.

Referred to Committee on State Government.

SSB 6598 by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Horn, Jacobsen, Winsley, Johnson, Prentice, Rossi, Hewitt, Eide, McAuliffe, Rasmussen and Finkbeiner)

AN ACT Relating to natural science and wildlife education; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6602 by Senate Committee on Judiciary (originally sponsored by Senators Costa, Long, Poulsen and Kastama)

AN ACT Relating to extortion in the second degree; amending RCW 9A.56.130; and creating a new section.

Referred to Committee on Criminal Justice & Corrections.

SB 6609 by Senators Snyder, Deccio, T. Sheldon, Morton, Rasmussen, Honeyford, Hale and Hargrove

AN ACT Relating to studies conducted by the department of ecology; amending RCW 43.21A.130; and creating a new section.

Referred to Committee on Agriculture & Ecology.

SB 6624 by Senators Keiser, Morton, Fraser and Hale; by request of Department of Ecology

AN ACT Relating to well construction; and amending RCW 18.104.020 and 18.104.055.

Referred to Committee on Agriculture & Ecology.

ESB 6630 by Senators Prentice, Honeyford, Rasmussen and Sheahan

AN ACT Relating to certification of electricians; and amending RCW 19.28.006, 19.28.041, 19.28.051, 19.28.061, 19.28.161, 19.28.191, 19.28.201, 19.28.211, and 19.28.241.

Referred to Committee on Commerce & Labor.

SSB 6640 by Senate Committee on Higher Education (originally sponsored by Senators Rasmussen, Swecker, Snyder, Jacobsen, Franklin, Kohl-Welles, Winsley and Roach)

AN ACT Relating to classifying members of the Washington national guard as resident students; amending RCW 28B.15.012; reenacting and amending RCW 28B.15.012 and 28B.101.040; providing an effective date; and providing an expiration date.

Referred to Committee on Higher Education.

ESSB 6641 by Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

AN ACT Relating to accommodating children with diabetes in schools; amending RCW 18.71.030; adding a new section to chapter 28A.210 RCW; and providing an effective date.

Referred to Committee on Education.

SSB 6648 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to the improved early coordination of services between the department of social and health services and public safety agencies when allegations of criminal mistreatment are made; amending RCW 9A.42.040, 9A.42.045, 10.05.010, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 26.44.130, and 10.05.120; adding new sections to chapter 9A.42 RCW; adding a new section to chapter 10.05 RCW; adding a new section to chapter 74.13 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Criminal Justice & Corrections.

SSB 6660 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Long, Kastama, Rossi, McAuliffe, McDonald, Costa, Hale, Keiser, Gardner, Oke and Rasmussen)

AN ACT Relating to protection of personal information about law enforcement officers and their families; and reenacting and amending RCW 42.17.310.

Referred to Committee on State Government.

SB 6664 by Senators Costa and Hargrove

AN ACT Relating to the department of corrections' authority to require offenders eligible for release to community custody status in lieu of earned release to propose a release plan that complies with the department's program for placing offenders in the community in lieu of early release; amending RCW 9.94A.728; creating new sections; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6665 by Senate Committee on Transportation (originally sponsored by Senators Johnson and Keiser)

AN ACT Relating to state route 167; and creating new sections.

Referred to Committee on Transportation.

SB 6698 by Senators Thibaudeau and Deccio

AN ACT Relating to exempting reflexologists from regulation as massage practitioners; amending RCW 18.108.010 and 18.108.050; and adding a new section to chapter 18.108 RCW.

Referred to Committee on Health Care.

ESB 6675 by Senators Prentice, Fairley, Rasmussen, Fraser, Keiser, Costa, Franklin and Spanel

AN ACT Relating to prohibiting health care facilities from requiring employees to perform overtime work; adding new sections to chapter 49.28 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

ESSB 6704 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Hargrove, Kastama, Winsley, Oke, Keiser and Johnson)

AN ACT Relating to the state's measured response to terrorism; amending RCW 9.94A.535, 10.95.040, 9A.04.080, 9A.20.021, 70.74.285, 9A.82.090, 9A.82.100, and 9A.82.120; reenacting and amending RCW 9.94A.030, 9.94A.515, and 9A.82.010; adding new sections to chapter 10.95 RCW; adding a new section to chapter 9A.82 RCW; adding a new section to chapter 9A.20 RCW; adding a new chapter to Title 9A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Select Committee on Community Security.

E2SSB 6718 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Finkbeiner, Regala, Keiser, Jacobsen, Poulsen and Franklin)

AN ACT Relating to state government as a leader in clean energy consumption; amending RCW 43.21F.045; adding new sections to chapter 43.21F RCW; adding a new section to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6721 by Senate Committee on Ways & Means (originally sponsored by Senators West, Brown, Snyder and Kohl-Welles; by request of University of Washington)

AN ACT Relating to research by state universities; amending RCW 28B.10.022 and 39.94.040; and adding a new chapter to Title 28B RCW.

Referred to Committee on Capital Budget.

ESB 6726 by Senators Rasmussen and Honeyford

AN ACT Relating to complaints against dairy farms; and amending RCW 90.64.030.

Referred to Committee on Agriculture & Ecology.

SSB 6735 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Rasmussen, Prentice, Benton, Keiser, Hochstatter, Honeyford, Winsley, Gardner and Regala)

AN ACT Relating to direct deposit of unemployment compensation benefits; adding a new section to chapter 50.20 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SB 6740 by Senators Rasmussen, Swecker, Shin and Parlette

AN ACT Relating to irrigation districts' acceptance of methods of payment; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Agriculture & Ecology.

SB 6798 by Senators Horn and Gardner

AN ACT Relating to street vacations; and amending RCW 35.79.030.

Referred to Committee on Transportation.

SSJM 8029 by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Kohl-Welles, Rasmussen, Swecker, Hewitt, Sheahan, Prentice, Honeyford, Hargrove, Spanel, Hale, Brown, Snyder, Haugen, McAuliffe and Kline)

Petitioning to end restrictions on trade of agricultural products with Cuba.

Referred to Committee on Trade & Economic Development.

SSJM 8036 by Senate Committee on State & Local Government (originally sponsored by Senators B. Sheldon, Shin, Carlson, Haugen, Sheahan, Spanel, Oke, Franklin, Rasmussen, Jacobsen, Eide, Winsley, Costa, T. Sheldon, Kastama, Thibaudeau, Gardner, Hale, Swecker, West, Prentice, McAuliffe, Kline, Fraser, Keiser, Johnson, Roach and Kohl-Welles)

II. Requesting a memorial to remember the internment of Japanese-Americans during World War

Referred to Committee on State Government.

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

Representative Anderson moved that the rules be suspended and that House Bill No. 2974 be placed on the second reading calendar.

Representative Anderson spoke in favor of the procedural motion.

Representative Kessler spoke against the procedural motion.

Representative Woods demanded an electronic roll call and the demand was sustained.

MOTION

On motion by Representative Woods, Representative Cairnes was excused.

The Speaker stated the question before the House to be the procedural motion by Representative Anderson to suspend the rules and place House Bill No. 2974 on the second reading calendar.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place House Bill No. 2974 on second reading and the motion failed the House by the following vote: Yeas - 45, Nays - 51, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven and Woods - 45.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Excused: Representatives Cairnes and Lisk - 2.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on the motion to suspend the rules and place House Bill No. 2974 on the second reading calendar.

LYNN SCHINDLER, 4th District

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

SECOND READING

HOUSE JOINT RESOLUTION NO. 4219, by Representatives Schual-Berke, Hatfield, Conway, Doumit, Dunshee, Veloria, Darneille, O'Brien, Ruderman, Fromhold, Cody, Chase, Morris, Dickerson, Rockefeller, Linville, Cooper, Berkey, Reardon, Hurst, Hunt, Upthegrove, Edwards, Lantz, Romero, Santos, Lysen, Kagi, McIntire, Sommers, Wood, McDermott, Haigh, Kenney, Simpson and Lovick; by request of Governor Locke and Superintendent of Public Instruction

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

The joint resolution was read the second time.

There being no objection, the committee amendment on page 3, line 17 was adopted. (For committee amendments by the Committee on Capital Budget, see Journal, 30th Day, February 12, 2002.)

MOTION

Representative Murray moved that the committee amendment on page 2, line 26 be adopted.

Representatives Murray, Alexander and Mastin spoke in favor of the motion.

Representative Schual-Berke spoke against the motion.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be the motion to adopt the committee amendment on page 2, line 26 to House Joint Resolution No. 4219.

ROLL CALL

The Clerk called the roll on the motion to adopt the committee amendment on page 2, line 26 to House Joint Resolution No. 4219, and the motion was not adopted by the following vote: Yeas - 47, Nays - 49, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Boldt, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Fisher, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Mastin, McIntire, Mielke, Mitchell, Morell, Mulliken, Murray, Nixon, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Schindler, Skinner, Van Luven and Woods - 47.

Voting nay: Representatives Ballard, Berkey, Buck, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fromhold, Gombosky, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McMorris, Miloscia, Morris, O'Brien, Ogden, Romero, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 49.

Excused: Representatives Cairnes and Lisk - 2.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which the committee amendment on page 2, line 26 to House Joint Resolution No. 4219 was not adopted.

There being no objection, the committee amendment on page 2, line 26 to House Joint Resolution No. 4219 was adopted.

With the consent of the House, amendments (216) and (196) were withdrawn.

Representative Alexander moved the adoption of amendment (191):

On page 3, line 6, after "herein" strike all material through "proposition:" on page 3, line 11, and insert ", "

Representatives Alexander, Armstrong and Benson spoke in favor of adoption of the amendment.

Representative Schual-Berke spoke against adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (191) to House Joint Resolution No. 4219.

ROLL CALL

The Clerk called the roll on the adoption of amendment (191) to House Joint Resolution No. 4219, and the amendment was not adopted by the following vote: Yeas - 37, Nays - 59, Absent - 0, Excused - 2, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Benson, Boldt, Buck, Bush, Campbell, Carrell, Casada, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Mastin, McMorris, Mielke, Mitchell, Morell, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Sehlin, Skinner, Talcott, Van Luven, and Woods - 37.

Voting nay: Representatives Armstrong, Ballard, Barlean, Berkey, Chandler, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 59.

Excused: Representatives Cairnes, and Lisk - 2.

The bill was ordered engrossed.

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

Representatives Schual-Berke, Murray, Haigh, Rockefeller, Armstrong, Quall, Clements, Hunt, Reardon and Bush spoke in favor of passage of the joint resolution.

Representatives Alexander, Sehlin, Nixon, Talcott and Mastin spoke against the passage of the joint resolution.

The Speaker stated the question before the House to be the final passage of Engrossed House Joint Resolution No. 4219 .

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4219 and the bill failed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2, Not Voting - 0.

Voting yea: Representatives Armstrong, Ballasiotes, Berkey, Bush, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, Woods, and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sehlin, Sump, Talcott, and Van Luven - 31.

Excused: Representatives Cairnes, and Lisk - 2.

Engrossed House Joint Resolution No. 4219, having failed to received the necessary two-third votes, was declared lost.

MESSAGE FROM THE SENATE

February 19, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5078,
SENATE BILL NO. 5568,

SUBSTITUTE SENATE BILL NO. 6234,
SENATE BILL NO. 6338,
SENATE BILL NO. 6444,
SENATE BILL NO. 6462,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6568,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6589,
ENGROSSED SENATE BILL NO. 6682,
SUBSTITUTE SENATE BILL NO. 6719,
SUBSTITUTE SENATE BILL NO. 6748,
SENATE JOINT MEMORIAL NO. 8030,
SENATE CONCURRENT RESOLUTION NO. 8434,

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the remaining bills on the second and third reading calendars were returned to the Rules Committee.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., February 20, 2002, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

THIRTY SEVENTH DAY, FEBRUARY 19, 2002

OPR --

OPR --

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 20, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Josh McBride and Zack McBride. Prayer was offered by Father Captain Mark Nelson, the Salvation Army, Puyallup..

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4713, By Representatives Boldt, Mielke, Chandler, Ericksen, Pearson, Linville, Barlean, Roach, Casada and Hatfield

WHEREAS, Washington is home to 247,000 dairy cows; and
WHEREAS, There are 640 dairy farms in Washington; and
WHEREAS, 99.9 percent are family owned and operated; and
WHEREAS, Washington's dairy cows produce more milk per cow than any other in America, averaging more than 22,644 pounds of milk per cow; and
WHEREAS, Dairy farms are a stable, important key to the economic well-being of rural Washington; and
WHEREAS, The economic effect of our state's dairy farmers is estimated at 4.5 billion dollars each year; and
WHEREAS, Over 4,000 people work on dairy farms, and 40,000 jobs exist to support the industry in processing, distribution, marketing, and supporting services; and
WHEREAS, Washington's dairy industry is actually older than the state itself; and
WHEREAS, The first dairy cows came to Washington in 1838 and played an important role in the development of the Pacific Northwest by providing an essential food for settlers; and
WHEREAS, February 20, 2002, marks the observance of Legislative Dairy Day, an annual event celebrated at the state capitol of the great state of Washington for well over thirty years; and
WHEREAS, Legislative Dairy Day honors the dairy industry, which is the second largest agricultural industry in this great state of Washington, for the extensive contributions made by the dairy industry to the economic well-being of our great state of Washington as well as the invaluable contribution made by the dairy industry in providing an indispensable part of a healthy, balanced, and

nutritious diet, with such irreplaceable products as milk, cheese, ice cream, yogurt, and a great many other dairy products; and

WHEREAS, Legislative Dairy Day also honors the Washington State Dairy Federation which, as a professional organization of dairy farmers in this great state of Washington, provides an exceptional voice for the contribution and special concerns of the dairy farmers;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed so much to the strength and vitality of our state and its economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Dairy Federation.

Representative Boldt moved the adoption of the resolution.

Representatives Boldt, Linville, Ericksen Eickmeyer and Pearson spoke in favor of the adoption of the resolution.

House Resolution No. 4713 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Ogden presiding) introduced Kasee Van Wieringen, the 2002 Washington State Dairy Ambassador, who addressed the Chamber. Also in the gallery were Allison Hurst and Stephanie Roorda, and family and members of the Dairy Ambassador Party.

POINT OF PERSONAL PRIVILEGE

Representative Roach knowledge a group of student members on the Methadone Advisory Board from his district. The Speaker asked the Chamber to acknowledge them.

MESSAGE FROM THE SENATE

February 19, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5329,
ENGROSSED SENATE BILL NO. 5626,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6076,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6588,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6594,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 2977 by Representatives Doumit, Sump, Sommers, Buck, Kessler, Alexander, Eickmeyer, Grant, Schoesler and Hatfield

AN ACT Relating to increasing oversight of the management of fish and wildlife resources; amending RCW 77.85.005, 77.04.055, and 77.04.080; creating a new section; decodifying RCW 77.85.150; and repealing RCW 77.85.030.

Referred to Committee on Natural Resources.

2SSB 5078 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to vehicle license fees; amending RCW 46.68.030 and 46.16.0621; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

SB 5568 by Senators Prentice and Benton

AN ACT Relating to business location requirements for registered tow truck operators; and amending RCW 46.55.060.

Referred to Committee on Transportation.

SSB 6234 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Winsley, Prentice, Regala, Hochstatter, Honeyford, Benton, Rasmussen, Gardner, Deccio, Roach, Morton, Franklin and Hewitt)

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

Referred to Committee on Financial Institutions & Insurance.

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

AN ACT Relating to the consumer loan act; and amending RCW 31.04.102.

Referred to Committee on Financial Institutions & Insurance.

SSB 6444 by Senate Committee on Transportation (originally sponsored by Senators Gardner, Prentice, McDonald, Oke, Deccio, Rasmussen, Regala and Horn)

AN ACT Relating to the licensing of stretcher van-type vehicles for transporting passengers on stretchers; and amending RCW 18.73.180.

Referred to Committee on Transportation.

SB 6462 by Senators Gardner, Benton, Haugen, Horn and Winsley

AN ACT Relating to tests and permits for commercial driver's licensing; and amending RCW 46.25.060.

Referred to Committee on Transportation.

ESSB 6568 by Senate Committee on Economic Development & Telecommunications (originally sponsored by Senators Finkbeiner, Benton, Gardner, Poulsen, T. Sheldon, Winsley, Oke, Hale and Rasmussen)

AN ACT Relating to commercial electronic mail; amending RCW 19.190.020; adding a new section to chapter 19.190 RCW; and creating a new section.

Referred to Committee on Technology, Telecommunications & Energy.

SSB 6590 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators McAuliffe, Rossi and Kohl-Welles)

AN ACT Relating to improving K-12 preparedness and performance through promoting better oral health; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Held on First Reading.

ESSB 6641 by Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

AN ACT Relating to accommodating children with diabetes in schools; amending RCW 18.71.030; adding a new section to chapter 28A.210 RCW; and providing an effective date.

Held on First Reading.

ESB 6682 by Senators Winsley and Prentice

AN ACT Relating to restricting utility assessments and charges for certain mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Local Government & Housing.

SSB 6719 by Senate Committee on Judiciary (originally sponsored by Senators Winsley, Prentice and Eide)

AN ACT Relating to municipal courts; and amending RCW 3.46.063 and 3.50.055.

Referred to Committee on Judiciary.

SSB 6748 by Senate Committee on Transportation (originally sponsored by Senators Kline, Oke, Swecker and Haugen)

AN ACT Relating to procedures for vehicle registration transfers and impound; amending RCW 46.12.101, 46.12.102, 46.20.031, 46.20.289, 46.55.075, 46.55.085, 46.55.100, 46.55.105, 46.55.110, 46.55.130, 46.55.230, 46.63.030, and 46.63.110; and creating new sections.

Referred to Committee on Transportation.

SJM 8030 by Senators Jacobsen, Poulsen, Kline and Spanel

Requesting recognition of the Puget Sound Nearshore Ecosystem Restoration Project.

Referred to Committee on Natural Resources.

SCR 8434 by Senator Sheahan

Making exceptions to cutoff dates.

Referred to Committee on Rules.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 21, 2002, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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 4713 Introduced 1
 Adopted 2
 5078-S2 Introduction & 1st Reading 2
 5329-S Introduction & 1st Reading 2
 5568 Introduction & 1st Reading 3
 5626 Introduction & 1st Reading 2
 6076-S Introduction & 1st Reading 2
 6234-S Introduction & 1st Reading 3
 6338 Introduction & 1st Reading 3
 6444-S Introduction & 1st Reading 3
 6462 Introduction & 1st Reading 3
 6568-S Introduction & 1st Reading 3
 6588-S Introduction & 1st Reading 2
 6590-S Held on 1st Reading 3
 6594-S Introduction & 1st Reading 2
 6641-S Held on 1st Reading 4
 6682 Introduction & 1st Reading 4
 6719-S Introduction & 1st Reading 4
 6748-S Introduction & 1st Reading 4
 8030 Introduction & 1st Reading 4
 8434 Introduction & 1st Reading 4
 HOUSE OF REPRESENTATIVES (Representative Ogden presiding)
 Point of Personal Privilege: Representative Roach 2
 SPEAKER OF THE HOUSE (Representative Ogden presiding)
 Speaker's Privilege: Washington State Dairy Ambassadors 2
 JOURNAL OF THE HOUSE

THIRTY EIGHTH DAY, FEBRUARY 20, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 21, 2002

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

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

INTRODUCTION & FIRST READING

HB 2978 by Representatives Sommers and Ogden; by request of Governor Locke

AN ACT Relating to the state library; amending RCW 27.04.100, 27.12.180, 27.12.260, 27.12.320, 27.12.360, 27.18.010, 27.18.030, 17.15.040, 27.12.100, 27.12.305, 28A.410.240, 28A.650.015, 35.17.170, 40.06.020, 40.06.050, 40.07.030, 40.14.080, 40.14.100, 40.14.180, 42.30.110, 43.105.290, 43.105.825, 43.126.025, 43.131.051, 43.136.030, 63.29.280, and 70.95C.060; adding a new section to chapter 28B.40 RCW; creating new sections; repealing RCW 40.06.030, 40.06.040, 40.06.060, 40.06.900, 27.04.010, 27.04.020, 27.04.030, 27.04.045, and 27.04.055; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Appropriations.

ESSB 5329 by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Costa, Fairley, Hargrove, Kline, Gardner, Eide, Kohl-Welles and Prentice)

AN ACT Relating to leave from employment for crime victims; adding new sections to chapter 49.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESB 5626 by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Roach, Patterson, McAuliffe and Benton; by request of Joint Select Committee on Veterans' and Military Affairs

AN ACT Relating to the definition of veteran; amending RCW 41.04.005, 46.20.027, 41.04.010, 72.36.035, 73.04.090, 73.08.010, 73.08.060, 73.08.070, and 73.24.030; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on State Government.

ESSB 6076 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife)

AN ACT Relating to law enforcement officers of the department of fish and wildlife; amending RCW 10.93.020, 10.93.140, 77.12.055, and 77.15.096; and reenacting and amending RCW 41.26.030.

Referred to Committee on Criminal Justice & Corrections.

SSB 6523 by Senate Committee on Education (originally sponsored by Senators McAuliffe, Prentice, Finkbeiner, Johnson, Shin and Rasmussen)

AN ACT Relating to requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school; and adding a new section to chapter 28A.210 RCW.

Referred to Committee on Health Care.

ESSB 6588 by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Swecker)

AN ACT Relating to food service rules; and adding a new section to chapter 43.20 RCW.

Referred to Committee on Health Care.

SSB 6590 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators McAuliffe, Rossi and Kohl-Welles)

AN ACT Relating to improving K-12 preparedness and performance through promoting better oral health; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.

Referred to Committee on Health Care.

ESSB 6594 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carlson, Costa, Hargrove and Long; by request of Jt Select Comm on the Equitable Distrib of Secure Community Transition Facil)

AN ACT Relating to the implementation of the recommendations of the joint select committee on the equitable distribution of secure community transition facilities; amending RCW 36.70A.200, 71.09.020, 71.09.285, 71.09.305, 71.09.255, and 36.70A.103; adding a new section to chapter 4.24 RCW; adding new sections to chapter 71.09 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 90.58 RCW; adding a new section to chapter 77.55 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Criminal Justice & Corrections.

ESSB 6641 by Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

AN ACT Relating to accommodating children with diabetes in schools; amending RCW 18.71.030; adding a new section to chapter 28A.210 RCW; and providing an effective date.

Referred to Committee on Education.

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

REPORTS OF STANDING COMMITTEES

February 20, 2002

SB 6526 Prime Sponsor, Senator Keiser: Renewing contracts of insurance that are subject to RCW 48.18.290. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, Benson, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Excused: Representative McIntire and Barlean.

Passed to Committee on Rules for second reading.

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

There being no objection, the following committees were relieved of the bills on the agreed upon referral list dated February 21, 2002, and those bills were referred to the following committees:

SECOND SUBSTITUTE SENATE BILL NO. 5797

from Committee on Health Care to Committee on Commerce & Labor

ENGROSSED SUBSTITUTE SENATE BILL NO. 6060

from Committee on Agriculture & Ecology to Committee on Finance

SUBSTITUTE SENATE BILL NO. 6572

Committee on State Government to Committee on Agriculture & Ecology

SENATE BILL NO. 6763

Committee on Children & Family Services to Committee on Criminal Justice & Corrections

SENATE BILL NO. 6788

Committee on Children & Family Services to Committee on Criminal Justice & Corrections

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

There being no objection, the House adjourned until 10:00 a.m., February 22, 2002, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

2978 Introduction & 1st Reading 1
5329-S Introduction & 1st Reading 1
5626 Introduction & 1st Reading 1
5797-S2 Other Action 3
6060-S Other Action 3
6076-S Introduction & 1st Reading 1
6523-S Introduction & 1st Reading 2
6526 Committee Report 3
6572-S Other Action 3
6588-S Introduction & 1st Reading 2
6590-S Introduction & 1st Reading 2
6594-S Introduction & 1st Reading 2
6641-S Introduction & 1st Reading 2
6763 Other Action 3
6788 Other Action 3

JOURNAL OF THE HOUSE

THIRTY NINTH DAY, FEBRUARY 21, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 22, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Matt Schmidt and Marshall Brown. Prayer was offered by Representative Jim McIntire.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4700, By Representatives Linville, Quall, Morris and Ericksen

WHEREAS, The very prestigious and highly coveted Milken Family Foundation National Educator Award was presented this past October to Meridian High School science teacher Patrick Preisinger; and

WHEREAS, Affectionately and respectfully known as "Mr. P," Patrick Preisinger for 11 years has been teaching science at his high school in the Lynden and Everson communities of north-central Whatcom County; and

WHEREAS, Only three teachers in all of Washington and only 120 teachers in the entire United States were recognized with receipt of the Milken Family Foundation National Educator Award; and

WHEREAS, Mr. Preisinger and his wife, Robin Preisinger, who teaches English as a second language at Whatcom Community College, are the parents of two-year-old and six-year-old youngsters; and

WHEREAS, As Meridian High School principal Bill Giller emphasized in the surprise school assembly broadcasting this well-earned professional recognition, Patrick Preisinger's chemistry- and physics-teaching endowment first attracts students and then keeps them thoroughly engaged in their academic pursuits; and

WHEREAS, The Meridian principal was quoted in *The Lynden Tribune* newspaper stating that the nationally recognized teacher encourages students to enroll and endure in science because "he teaches it in such a way that the students have fun with it, are challenged, and really earn" the grades they receive for their work; and

WHEREAS, This exemplary science teacher "explains it, too, so we can understand it. But we also have fun with it, too," according to the testimonial of one of his students cited in *The Bellingham Herald* newspaper; and

WHEREAS, Before he received Milken Family Foundation renown last fall, Patrick Preisinger in recent years received a Wal-Mart Teacher of the Year award, a Pacific Science Center High School Teacher of the Year award, a Christa McAuliffe Award for Excellence, and a Woodring College of Education Professional Excellence Award; and

WHEREAS, As the Teacher of the Year last year in the Northwest Educational Service District region that includes Whatcom, Skagit, Island, San Juan, and Snohomish Counties, Mr. Preisinger was also one of nine state nominees for the esteemed Washington State Teacher of the Year award; and

WHEREAS, This estimable, inspirational educator has accompanied his Meridian High School students on worldwide field trips aimed at strengthening and diversifying their background and knowledge;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor and acclaim Patrick Preisinger for the work he does every single day to make science come to life for students at Meridian High; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Patrick Preisinger and his family, to the administration and Mr. Preisinger's other peers at Meridian High School, and to the district-office personnel and the Board of Directors of the Meridian School District.

There being no objection, House Resolution No. 4700 was adopted.

HOUSE RESOLUTION NO. 2002-4699, By Representatives Linville, Quall, Morris and Ericksen

WHEREAS, Central Elementary School in the Ferndale School District of Whatcom County recently earned exceptional distinction as the recipient of the very first "Washington State Reading School of the Month" recognition; and

WHEREAS, This new, statewide reading appreciation program strives to accentuate the importance of reading as an indispensable foundation for a young person's lifetime of learning and personal growth; and

WHEREAS, Central Elementary School Principal Tony Harduar is admirably steering his staff and students on a course toward genuine, far-reaching education reform; and

WHEREAS, The entire Ferndale School District, guided and championed by Superintendent Dr. Roger Lehnert, inspires and enkindles exactly the kind of high regard and wide renown that Central Elementary School has earned with this prestigious Reading School of the Month salutation; and

WHEREAS, Central Elementary School's selection as the preeminent reading school from among the hundreds of schools in the Evergreen State was announced by Governor Gary Locke and Superintendent of Public Instruction Terry Bergeson; and

WHEREAS, Principal Harduar, the Central Elementary School teachers, and every additional member of the Central team work tirelessly with Central students and the students' parents in thorough, comprehensive commitment to reading mastery for every young person; and

WHEREAS, Central Elementary School has sought and earned outstanding success and improvement in the Washington Assessment of Student Learning, particularly in the school's reading accomplishment; and

WHEREAS, After receiving a score of thirty-five percent in fourth grade reading in the 1997 Washington Assessment of Student Learning, Central's fourth graders just four years later earned a blue ribbon score of seventy percent; and

WHEREAS, The school sets aside ninety-minute blocks devoted exclusively to reading, and Central also emphasizes before-school and after-school time for reading; and

WHEREAS, This very first Washington State Reading School of the Month recipient even provides transportation to make sure that every young person at Central Elementary School has an opportunity to participate in these superb reading programs;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington praise and celebrate Central Elementary School and the Ferndale School District for this statewide, well-earned celebrity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Central Elementary School team and to the Ferndale School District administration.

Representative Linville moved the adoption of the resolution.

Representatives Linville and Ericksen spoke in favor of the adoption of the resolution.

House Resolution No. 4699 was adopted.

HOUSE RESOLUTION NO. 2002-4707, By Representatives Skinner, Reardon, Uptegrove, Kenney, Miloscia, Darneille, Chase, Chandler, Mulliken, Mitchell, Schoesler, Schual-Berke, Sump, Lisk, Pearson, Esser, Edwards, Simpson, Wood, Gombosky, Cooper, Jackley, Santos, McIntire, Morris, Fisher, Linville, Tokuda, Haigh, Conway, Ruderman, Campbell, Ahern, Schindler, Roach, Jarrett, Cox, Orcutt, Romero, Bush, Hurst, Berkey, Sullivan, Rockefeller, Hunt, Cody, Dunn, Nixon, Talcott, Holmquist, Hankins, Delvin, Ballasiotes, Sehlin, Casada, Lovick, Kirby, Clements, Schmidt, Lysen and Pflug

WHEREAS, Diabetes is a chronic disease for which there is no cure; and

WHEREAS, 5.9 percent of the United States population, 16 million Americans, live with diabetes; and

WHEREAS, Diabetes, the nation's seventh leading cause of death, is a silent killer whose victims often first become aware that they have diabetes when they develop one of its life-threatening complications, including blindness, kidney disease, nerve disease, heart disease, and stroke; and

WHEREAS, While diabetes occurs in people of all ages and races, some groups have a higher risk of developing the disease than others, including African-Americans, Latinos, Native Americans, Asian-Americans, and Pacific Islanders as well as the aged population and women who have given birth to high-birth weight babies; and

WHEREAS, The American Diabetes Association is the nation's leading health organization supporting diabetes research and public education; and

WHEREAS, The American Diabetes Association is leading the way to helping people, all people, with diabetes lead a healthier life through its funding for research and education, as well as its advocacy on behalf of those affected by diabetes; and

WHEREAS, Each year, thousands of people from across Washington participate in events to raise awareness and funding in support of the mission of the American Diabetes Association: To prevent and cure diabetes and to improve the lives of all people affected by the disease;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby honor the American Diabetes Association for its commitment to the prevention and cure of diabetes and to improving the lives of all people affected by diabetes; and

BE IT FURTHER RESOLVED, That the House of Representatives honor those volunteers who have given of their time, talent, energy, and compassion to make a difference in the lives of those who live with diabetes; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage participation throughout the state in diabetes awareness and education outreach programs and in the association's various Washington fund-raising events, including the "Walk for Diabetes," "Tour de Cure," "Team Diabetes," and the "Always and Forever Memorial and Honor Program."

Representative Skinner moved the adoption of the resolution.

Representatives Skinner, Delvin, Quall and Campbell spoke in favor of the adoption of the resolution.

House Resolution No. 4707 was adopted.

The Speaker assumed the chair.

INTRODUCTION & FIRST READING

HB 2979 by Representatives DeBolt, Carrell, Sehlin, Talcott, Buck, Alexander, Mitchell, Hankins, Ballasiotes, Skinner, Chandler, Pflug, Ericksen, Jarrett, Benson, Campbell, Mielke, Boldt, Anderson, Delvin, Van Luven, Holmquist, Bush, Crouse, Schindler, Mulliken, Casada, Esser, Roach, Nixon, Schmidt, Mastin and Morell

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2980 by Representative Dunshee

AN ACT Relating to the repeal of the state prohibition on funding options in RCW 82.02.090 regarding law enforcement, courts, and jails; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

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

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

There being no objection, the Committee on Health Care was relieved of further consideration of Substitute Senate Bill No. 6588, and the bill was referred to the Committee on Agriculture and Ecology.

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

REPORTS OF STANDING COMMITTEES

February 21, 2002

SB 6036 Prime Sponsor, Senator Eide: Repealing local motor vehicle taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Morell; Schindler; Simpson; Skinner; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Fisher, Chairman; Haigh; Murray; Ogden; Reardon; Rockefeller and Romero.

Voting yea: Representatives Lovick, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Hankins, Hatfield, Holmquist, Jarrett, Mielke, Morell, Schindler, Simpson, Skinner, Wood and Woods.

Voting nay: Representatives Fisher, Cooper, Haigh, Murray, Reardon, Rockefeller and Romero.

Excused: Representatives Jackley, Ogden and Sullivan.

February 20, 2002

SSB 6313 Prime Sponsor, Senate Committee On Natural Resources, Parks & Shorelines: Providing for the retrieval of derelict fishing gear. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Eickmeyer; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen.

Voting yea: Representatives Doumit, Rockefeller, Buck, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Voting nay: Representative Eickmeyer.

Excused: Representative Sump.

Passed to Committee on Rules for second reading.

February 20, 2002

SB 6538 Prime Sponsor, Senator Regala: Establishing the ballast water work group. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The director of the department of fish and wildlife must establish the ballast water work group.

(2) The ballast water work group consists of the following individuals:

(a) One staff person from the governor's executive policy office. This person must act as chair of the ballast water work group;

(b) Two representatives from the Puget Sound steamship operators;

(c) Two representatives from the Columbia river steamship operators;

(d) Three representatives from the Washington public ports, one of whom must be a marine engineer;

(e) Two representatives from the petroleum transportation industry; and

(f) Two representatives from the environmental community.

(3) The ballast water work group must study, and provide a report to the legislature by December 15, 2003, the following issues:

(a) All issues relating to ballast water technology, including exchange and treatment methods and the associated costs;

(b) The services needed by the industry and the state to protect the marine environment; and

(c) The costs associated with, and possible funding methods for, implementing the ballast water program.

(4) The ballast water work group must begin operation immediately upon the effective date of this section. The department of fish and wildlife must provide staff for the ballast water work group. The staff must come from existing personnel within the department of fish and wildlife.

(5) The director must also monitor the activities of the task force created by the state of Oregon in 2001 Or. Laws 722, concerning ballast water management. The director shall provide the ballast water work group with periodic updates of the Oregon task force's efforts at developing a ballast water management system.

(6)(a) The ballast water work group expires June 30, 2004.

(b) This section expires June 30, 2004.

Sec. 2. RCW 77.120.030 and 2000 c 108 s 4 are each amended to read as follows:

The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(1) Discharge into waters of the state is authorized if the vessel has conducted an open sea exchange of ballast water. A vessel is exempt from this requirement if the vessel's master reasonably determines that such a ballast water exchange operation will threaten the safety of the vessel or the vessel's crew, or is not feasible due to vessel design limitations or equipment failure. If a vessel relies on this exemption, then it may discharge ballast water into waters of the state, subject to any requirements of treatment under subsection (2) of this section and subject to RCW 77.120.040.

(2) After July 1, ~~((2002))~~ 2004, discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange or if the vessel has treated its ballast water to meet standards set by the department. When weather or extraordinary circumstances make access to treatment unsafe to the vessel or crew, the master of a vessel may delay compliance with any treatment required under this subsection until it is safe to complete the treatment.

(3) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington state, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(4) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

Sec. 3. RCW 77.120.040 and 2000 c 108 s 5 are each amended to read as follows:

The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control complies with the reporting and sampling requirements of this section.

(1) Vessels covered by this chapter must report ballast water management information to the department using ballast water management forms that are acceptable to the United States coast guard. The frequency, manner, and form of such reporting shall be established by the department by rule. Any vessel may rely on a recognized marine trade association to collect and forward this information to the department.

(2) In order to monitor the effectiveness of national and international efforts to prevent the introduction of nonindigenous species, all vessels covered by this chapter must submit nonindigenous species ballast water monitoring data. The monitoring, sampling, testing protocols, and methods of identifying nonindigenous species in ballast water shall be determined by the department by rule. A vessel covered by this chapter may contract with a recognized marine trade association to randomly sample vessels within that association's membership, and provide data to the department.

(3) Vessels that do not belong to a recognized marine trade association must submit individual ballast tank sample data to the department for each voyage.

(4) All data submitted to the department under subsection (2) of this section shall be consistent with sampling and testing protocols as adopted by the department by rule.

(5) The department shall adopt rules to implement this section. The rules and recommendations shall be developed in consultation with advisors from regulated industries and the potentially affected parties, including but not limited to shipping interests, ports, shellfish growers, fisheries, environmental interests, interested citizens who have knowledge of the issues, and appropriate governmental representatives including the United States coast guard. In recognition of the need to have a coordinated response to ballast water management for the Columbia river system, the department must consider rules adopted by the state of Oregon when adopting rules under this section for ballast water management in the navigable waters of the Columbia river system.

(a) The department shall set standards for the discharge of treated ballast water into the waters of the state. The rules are intended to ensure that the discharge of treated ballast water poses minimal risk of introducing nonindigenous species. In developing this standard, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards shall be compatible with standards set by the United States coast guard and shall be developed in consultation with federal and state agencies to ensure consistency with the federal clean water act, 33 U.S.C. Sec. 1251-1387.

(b) The department shall adopt ballast water sampling and testing protocols for monitoring the biological components of ballast water that may be discharged into the waters of the state under this chapter. Monitoring data is intended to assist the department in evaluating the risk of new, nonindigenous species introductions from the discharge of ballast water, and to evaluate the accuracy of ballast water exchange practices. The sampling and testing protocols must consist of cost-effective, scientifically verifiable methods that, to the extent practical and without compromising the purposes of this chapter, utilize easily measured indices, such as salinity, or check for species that indicate the potential presence of nonindigenous species or pathogenic species. The department shall specify appropriate quality assurance and quality control for the sampling and testing protocols.

Sec. 4. RCW 77.120.060 and 2000 c 108 s 7 are each amended to read as follows:

The legislature recognizes that international and national laws relating to this chapter are changing and that state law must adapt accordingly. The department shall submit to the legislature, and make available to the public, a report that summarizes the results of this chapter and makes recommendations for improvement to this chapter on or before December 1, 2001, and a second report on or before December 1, 2004. The ((2004)) 2004 report shall describe how the costs of treatment required as of July 1, ((2002)) 2004, will be substantially equivalent among ports where treatment is required. The 2004 report must describe how the states of Washington and Oregon are coordinating their efforts for ballast water management in the Columbia river system. The department shall strive to fund the provisions of this chapter through existing resources, cooperative agreements with the maritime industry, and federal funding sources.

NEW SECTION. **Sec. 5.** A new section is added to chapter 77.120 RCW to read as follows:

The department, working with the United States coast guard and the marine exchanges, will work cooperatively to improve the ballast water information system and make improvements no later than October 1, 2002. The cooperative effort will strive to obtain ballast water reports for the United States coast guard under contract. The reports may be used for ballast water management information under this chapter and be forwarded to the United States coast guard for its management purposes. Prior to July 1, 2002, the department must take steps to reduce or eliminate the costs of reporting.

NEW SECTION. **Sec. 6.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Excused: Representative Sump.

Passed to Committee on Rules for second reading.

February 20, 2002

SB 6578 Prime Sponsor, Senator B. Sheldon: Exempting land leases for personal wireless communication facilities from the subdivision act. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 21, 2002

SJM 8004 Prime Sponsor, Senator Spanel: Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Linville, Hunt, Schoesler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Voting nay: Representative Chandler.

Passed to Committee on Rules for second reading.

February 20, 2002

SJM 8031 Prime Sponsor, Senator Hale: Encouraging re-authorization and full funding of the renewable energy production incentive. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports sheet under the fifth order of business were referred to the committees so designated with the exception of Senate Bill No. 6036 which was placed on the second reading calendar.

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

SECOND READING

SENATE BILL NO. 6036, by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

Repealing local motor vehicle taxes.

The bill was read the second time.

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

Representatives DeBolt, Mitchell, Kessler and Dunshee spoke in favor of passage of the bill.

Representative Murray spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6036.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6036 and the bill passed the House by the following vote: Yeas - 77, Nays - 21, Absent - 0, Excused - 0, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Sump, Talcott, Upthegrove, Van Luven, Woods, and Mr. Speaker - 77.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Dickerson, Doumit, Fisher, Gombosky, Hunt, Kagi, Kenney, Lysen, McDermott, McIntire, Murray, Romero, Santos, Sommers, Tokuda, Veloria, and Wood - 21.

Senate Bill No. 6036, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Senate Bill No. 6036.

ALEX WOOD, 3rd District

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

There being no objection, the House adjourned until 10:00 a.m., February 25, 2002, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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2980 Introduction & 1st Reading 4
4699 Introduced 2
Adopted 2
4700 Introduced 1
Adopted 2
4707 Introduced 2
Adopted 3
6036 Committee Report 4
Second Reading 8
Third Reading Final Passage 9
Other Action 8
6313-S Committee Report 4
6538 Committee Report 5
6578 Committee Report 7
6588-S Other Action 4
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Statement for the Journal: Representative Wood 9

JOURNAL OF THE HOUSE

FORTIETH DAY, FEBRUARY 22, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 25, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Eric Wiley and Elizabeth Kuehl. The Speaker (Representative Ogden) led the Chamber in the Pledge of Allegiance. Prayer was offered by Pastor Bob Nordlie, Our Savior Lutheran Church, Tacoma.

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

INTRODUCTION & FIRST READING

HB 2981 by Representatives Carrell, Armstrong, Talcott, Bush, Ericksen, Nixon, Roach, Pearson, Morell, Barlean, Skinner, Sump, Mielke, Holmquist, Boldt, Orcutt, Anderson, Schmidt, Campbell, Ahern, Mulliken and Esser

AN ACT Relating to reducing the number of employees in the Washington management service; adding new sections to chapter 41.06 RCW; and creating a new section.

Referred to Committee on State Government.

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

REPORTS OF STANDING COMMITTEES

SSB 5166 Prime Sponsor, Senate Committee on Higher Education: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

February 22, 2002

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn and Jarrett.

Voting Yea: Representatives Kenney, Fromhold, Cox, Chase, Dunn and Jarrett.
Excused: Representatives Gombosky, Lantz and Skinner.

Passed to Committee on Appropriations.

SSB 5433 Prime Sponsor, Senate Committee on Health & Long-Term Care: Providing for establishment of parent and child relationship for children born through alternative reproductive medical technology. Reported by Committee on Health Care

February 22, 2002

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Conway; Darneille; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Conway, Darneille, Ruderman and Skinner.
Excused: Representatives Campbell, Alexander, Ballasiotes, Benson and Edwards.

Passed to Committee on Rules for second reading.

February 21, 2002

2SSB 5480 Prime Sponsor, Senate Committee on Human Services & Corrections: Encouraging support services for kinship caregivers. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting Yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 21, 2002

SB 5546 Prime Sponsor, Senator McAuliffe: Reclassifying the state board of education as a class four group. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Santos; Schindler and Upthegrove.

Voting Yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller and Schmidt.

Voting Nay: Representatives Santos, Schindler and Upthegrove.
Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 22, 2002

SSB 5552 Prime Sponsor, Senate Committee on Higher Education: Expanding border county higher education opportunities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn and Jarrett.

Voting Yea: Representatives Kenney, Fromhold, Cox, Chase, Dunn and Jarrett.
Excused: Representatives Gombosky, Lantz and Skinner.

Passed to Committee on Appropriations.

February 21, 2002

SB 5699 Prime Sponsor, Senator Carlson: Modifying the Washington state scholars program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; McDermott; Santos; Schindler and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson; Rockefeller and Upthegrove.

Voting Yea: Representatives Quall, Haigh, Talcott, McDermott, Schindler and Schmidt.

Voting Nay: Representatives Anderson, Rockefeller, Santos and Upthegrove.

Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 22, 2002

ESSB 5777 Prime Sponsor, Senate Committee on Health & Long-Term Care: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Conway; Darneille; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Conway, Darneille, Ruderman and Skinner.

Excused: Representatives Campbell, Alexander, Ballasiotes, Benson and Edwards.

Passed to Committee on Appropriations.

February 20, 2002

ESB 5852 Prime Sponsor, Senator Franklin: Reporting on issues pertaining to racial profiling. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi and Kirby.

Voting Nay: Representative Morell.

Passed to Committee on Rules for second reading.

February 21, 2002

SSB 6264 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Allowing a chiropractor to be a licensed official at a boxing, kickboxing, or martial arts event. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6287 Prime Sponsor, Senator Long: Clarifying the status of persons who commit criminal offenses while civilly detained or committed under chapter 71.09 RCW. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6341 Prime Sponsor, Senator Hargrove: Amending the judicial review of sex offender registration to comply with federal funding requirements. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 20, 2002

SB 6408 Prime Sponsor, Senator Costa: Restoring sex offender registration for nonfelony communication with a minor convictions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 21, 2002

SB 6457 Prime Sponsor, Senator Carlson: Adopting the uniform athlete agents act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 6, line 15, after "**DIRECTOR**," strike "**WITHIN**" and insert "**AT LEAST**"

On page 6, at the beginning of line 27, strike "Within" and insert "At least"

On page 7, line 4, after "(3)" insert "At least seventy-two hours prior to entering into an agency contract, the student-athlete shall give notice in a record of the existence of the contract and shall provide a copy of the athlete agent disclosure form to the athletic director of the educational institution at which the student-athlete is enrolled.

(4)"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6469 Prime Sponsor, Senator Long: Authorizing release of mental health services information to department of corrections. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 21, 2002

SSB 6478 Prime Sponsor, Senate Committee on Education: Changing provisions relating to the professional educator standards board. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.
Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6483 Prime Sponsor, Senator Prentice: Regulating securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting Yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Mielke, Roach, Santos and Simpson.
Excused: Representatives Hatfield and Miloscia.

Passed to Committee on Rules for second reading.

February 21, 2002

SB 6491 Prime Sponsor, Senator Prentice: Changing provisions relating to criminal history background checks by state agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 21, 2002

SB 6601 Prime Sponsor, Senator Prentice: Allowing a licensed distiller, domestic brewery, microbrewery, or domestic winery to sell liquor at a spirits, beer, and wine restaurant located on contiguous property that is leased by that licensed distiller, domestic brewery, microbrewery, or domestic winery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 21, 2002

SB 6652 Prime Sponsor, Senator Prentice: Regulating cosmetology, barbering, manicuring, and esthetics. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 21, 2002

SSB 6625 Prime Sponsor, Senate Committee on Human Services & Corrections: Formalizing the relationship between the department of social and health services and the state school for the deaf. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting Yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 20, 2002

SB 6627 Prime Sponsor, Senator Costa: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution." Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6628 Prime Sponsor, Senator Kohl-Welles: Establishing the probationary period for campus police officer appointees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Dunn and Jarrett.

Voting Yea: Representatives Kenney, Fromhold, Cox, Chase, Dunn and Jarrett.
Excused: Representatives Gombosky, Lantz and Skinner.

Passed to Committee on Rules for second reading.

February 21, 2002

ESJM 8014 Prime Sponsor, Senator Prentice: Requesting improvement to employment and training services for disabled persons. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, line 1, after "SECURITY," insert "THE DIRECTOR OF THE DEPARTMENT OF SERVICES FOR THE BLIND, THE EXECUTIVE DIRECTOR OF THE DEVELOPMENTAL DISABILITIES COUNCIL,"

On page 2, line 21, after "Security," insert "the Director of the Department of Services for the Blind, the Executive Director of the Developmental Disabilities Council,"

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

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

The Speaker (Representative Ogden presiding) called upon Representative Cody to preside.

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

There being no objection, the Committee on State Government was relieved of further consideration on House Bill No. 2926, and the bill was referred to the Committee on Appropriations.

There being no objection, the Committee on Rules was relieved of further consideration on House Bill No. 2959, and the bill was referred to the Committee on State Government.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2002, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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2959 Other Action 7
2981 Introduction & 1st Reading 1
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5433-S Committee Report 1
5480-S2 Committee Report 2
5546 Committee Report 2
5552-S Committee Report 2
5699 Committee Report 2
5777-S Committee Report 3
5852 Committee Report 3
6264-S Committee Report 3
6287 Committee Report 4
6341 Committee Report 4
6408 Committee Report 4
6457 Committee Report 4
6469 Committee Report 5
6478-S Committee Report 5
6483 Committee Report 5
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6601 Committee Report 6
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JOURNAL OF THE HOUSE

FORTY THIRD DAY, FEBRUARY 25, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 26, 2002

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

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

MESSAGE FROM THE SENATE

February 25, 2002

Mr. Speaker:

The President has signed:
and the same is herewith transmitted.

SENATE BILL NO. 6036,

Tony M. Cook, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4709, By Representative Quall

WHEREAS, National research has demonstrated that students learn more effectively when environmental knowledge and skills are integrated into K-12 education than with traditional classroom-based teaching; and

WHEREAS, Standardized measures for reading, writing, math, science, and social studies prove that when teaching occurs at natural sites, students learn more effectively than in traditional classroom settings; and

WHEREAS, The use of the environment as an integrating concept to teach reading, writing, science, and math results in the development of higher-level critical thinking skills, and increased engagement and enthusiasm in learning by students; and

WHEREAS, The Governor's Council on Environmental Education has fostered improved school teaching and learning about agriculture, forestry, fish and wildlife, drinking water, litter control, waste reduction, air quality, and energy conservation, and their importance to communities; and

WHEREAS, Environmental education has increased student, school, community, and business partnerships, and fostered young citizens' participation in civic activities in dozens of Washington communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington recognize the value of the governor's council on environmental education which develops citizens who can compete in our global economy, improve our quality of life, and protect human health.

House Resolution No. 4709 was adopted.

HOUSE RESOLUTION NO. 2002-4712, By Representatives Kenney, Fromhold, Cox, Lysen, McIntire, Lisk, Lantz, Veloria, Skinner, Hankins, Ballasiotes, Talcott, Eickmeyer, Sullivan, Jarrett, Tokuda, Berkey, Lovick, Chase, Hunt, McDermott, Upthegrove, Conway, Edwards, Cody, Dickerson, Reardon, Linville, Cooper, Grant, Quall, Doumit, Kirby, Ogden, Kessler, Chopp, Ruderman, Santos, Hatfield, Morris, Delvin, Wood, Dunn and Murray

WHEREAS, The students selected for special recognition as Washington Scholars in 2002 have distinguished themselves as exceptional students, student leaders, and as talented and enthusiastic participants in many diverse activities including art, debate, drama, honor societies, interscholastic sports, Junior Achievement, knowledge competitions, music, and student government; and

WHEREAS, These exemplary students have also contributed to the welfare of those less fortunate in their neighborhoods through volunteer efforts with community service organizations such as the United Way, Special Olympics, March of Dimes, Big Brothers, Big Sisters, community food drives, senior centers, scouting, and church groups; and

WHEREAS, The state of Washington benefits greatly from the accomplishments of these caring and gifted individuals, not only in their roles as students, but also as citizens, role models for other young people, and future leaders of our communities and our state; and

WHEREAS, Through the Washington Scholars Program, the Governor, the Legislature, and the state's citizens have an opportunity to recognize and honor three outstanding seniors from each of the state's forty-nine legislative districts for the students' exceptional academic achievements, leadership abilities, and contributions to their communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and congratulate the Washington Scholars for their hard work, dedication, contributions, and maturity in achieving this significant accomplishment; and

BE IT FURTHER RESOLVED, That the families of these students be commended for the encouragement and support they have provided to the scholars; and

BE IT FURTHER RESOLVED, That the principals, teachers, and classmates of these highly esteemed students be recognized for the important part they played in helping the scholars to learn, contribute, lead, and excel; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each of the Washington Scholars selected in 2002.

House Resolution No. 4712 was adopted.

HOUSE RESOLUTION NO. 2002-4714, By Representatives Roach, Ahern, Esser, Ericksen, Barlean, Holmquist, Casada, Clements, Jarrett, Armstrong, Talcott, Mitchell, Carrell, Schmidt, Skinner, Cox, Nixon, Pflug, Anderson, Morell, Orcutt, Pearson and Schindler

WHEREAS, The Washington State House of Representatives recognizes the devastating effects caused by methamphetamine; and

WHEREAS, Incidents of methamphetamine lab seizures have continued to increase during the year 2001 and are projected to increase during 2002; and

WHEREAS, Methamphetamine manufacture and abuse poses a constant threat to both urban and rural communities in the form of environmental damage, increased crime, and the breakdown of family relationships; and

WHEREAS, The Legislature has begun to adequately address this issue in terms of increasing penalties for methamphetamine manufacturers; and

WHEREAS, Current methods of addressing Washington's methamphetamine problem include law enforcement, clinical treatment, and drug courts; and

WHEREAS, Cooperation between all participating organizations will more efficiently address the methamphetamine problem; and

WHEREAS, It is less costly and more effective to prevent methamphetamine use and abuse before it begins; and

WHEREAS, Prevention efforts should involve adolescents;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize the formation of the 31st District Student Methamphetamine Advisory Board; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the members of the 31st District Student Methamphetamine Advisory Board, the Washington State Methamphetamine Initiative, 31st District high school principals, the King County Methamphetamine Action Team, and the King and Pierce County Sheriff's Offices.

House Resolution No. 4714 was adopted.

HOUSE RESOLUTION NO. 2002-4715, By Representatives Kessler and Mastin

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Abraham Lincoln, the 16th President of the United States of America, exhibited the highest level of excellence in service and sacrifice to his country; and

WHEREAS, Abraham Lincoln demonstrated unimpeachable moral character in all matters, large or small, public or personal, thereby earning himself the nickname "Honest Abe"; and

WHEREAS, Abraham Lincoln was a gentleman from humble beginnings, having been raised in a log cabin, who cleared land and split rails as a young man, and although he later attained great stature in public life, he never lost touch, empathy, or the values he shared with the common person; and

WHEREAS, Abraham Lincoln exemplified the greatest tenacity, perseverance, and acumen in scholastic and professional endeavors, illustrated by the fact that he educated himself in the profession of law and following an apprenticeship earned a well-deserved reputation as a skilled, talented, and respected member of the bar; and

WHEREAS, Abraham Lincoln continues to be known and admired for his eloquent and accomplished oratory of viewpoints, which were always rooted in the truest principles of liberty and justice, and which are perhaps best illustrated in his debate opposing slavery with Judge Stephen A. Douglas and by the delivery of what has become known as the Gettysburg Address, which honored the magnitude of the cost of liberty; and

WHEREAS, Abraham Lincoln believed the republican form of government established by the Founding Fathers was the best means of ensuring freedom from despotic government, and he became the father of the Republican Party dedicated to maintaining the truest principles of constitutional representation under the rule of law; and

WHEREAS, Abraham Lincoln unselfishly gave of himself throughout his long and distinguished commitment to public service to his fellow citizens, which included judicial service in the Eighth Circuit, as a member of the Illinois State Legislature, as a member of the United States Congress, and as the President of the United States of America; and

WHEREAS, Abraham Lincoln courageously issued the famous Emancipation Proclamation Act of 1862, adopted by Congress later that same year, which valued the citizenship and respected the freedom of all persons regardless of race or color; and

WHEREAS, Abraham Lincoln, while President of the United States, did valiantly and nobly issue yearly Proclamations of National Prayer Day, duly adopted by Congress, that recognized that the pursuits of Nations and Governments, as well as those of men, are dependent upon the solemn guidance and reverent will of God; and

WHEREAS, Abraham Lincoln, within one month of being inaugurated as President, faced the mighty challenge of a Civil War ... which tore at the fabric of the union, pitting brother against brother, family against family ... with a love of liberty and a firm assurance in the divine providence as his guide and support for the nation; and

WHEREAS, Abraham Lincoln steadfastly directed the campaign to victory in the Civil War, held malice toward none and a charity of spirit toward all, believed with conviction and firmness in the right and just, helped bind this great nation together and heal its wounds, and gave to us a just and lasting peace; and

WHEREAS, Abraham Lincoln suffered an untimely death, just five days after bringing the Civil War to an end in April 1865, at the hands of an assassin, tragically ending the life of a man who gave of himself to his country unselfishly, charitably, graciously, and patriotically for all causes that were just, noble, and honorable and that sought liberty and freedom for all; and

WHEREAS, Abraham Lincoln's own words are inscribed into the walls of the Lincoln Memorial in Washington, D.C.: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the 16th President of these United States for his faith, character, ideals, and contributions, which continue to poignantly and presently inspire the best within the hearts of men and women everywhere, and which will continue to do so for generations to come.

House Resolution No. 4715 was adopted.

HOUSE RESOLUTION NO. 2002-4716, by Representatives Kessler and DeBolt

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, George Washington, the first President of the United States of America, demonstrated the epitome of excellence in serving the country he loved so well; and

WHEREAS, George Washington was a son of one of the original American colonies, being raised in Westmoreland County, Virginia; and

WHEREAS, George Washington's extraordinary success in life was built upon the foundation of values imparted to him in his youth by his mother, Mary Ball Washington, who educated and tutored him at home until he successfully moved on to the venerable institution of William and Mary College, Williamsburg, Virginia, of which he later became its first Chancellor; and

WHEREAS, George Washington earned and properly merits the highest honor, respect, devotion, and homage from his countrymen for his unwavering commitment, virtuous sacrifice, and wise, principled leadership in the proud and noble struggle for liberty for the American colonies; and

WHEREAS, George Washington's reverent and faithful guidance as Commander-in-Chief of the Continental Army during the Revolutionary War gave confidence and spirit to the soldiers and countrymen who suffered uncommon hardships, and demonstrated that the dispensations and blessings of providence are always a constant companion of the honorable and noble patriot laboring for justice, freedom, and truth; and

WHEREAS, George Washington bravely met and overcame arduous challenges and perils in heroic struggle of the American patriots, perhaps best symbolized by the cruel and unrelenting hardships the Continental Army experienced under his command during the winter of 1777 at Valley Forge, where overwhelming British forces and inconceivable weather and supply conditions were conquered with patience, bearing, fortitude, and an unwavering faith in God Almighty; and

WHEREAS, George Washington, victorious in the Revolutionary War, tempered by piety, and inspired by the giving of thanks for the favors and blessings of providence, ushered in the independent and sovereign young republic; and

WHEREAS, George Washington, following victory for the American States, continued his distinguished service to his countrymen and was unanimously chosen to preside at the Constitutional Convention in Philadelphia, Pennsylvania in 1787, wherein the esteemed charter of the greatest nation ever on this earth was eminently commissioned as the Constitution of the United States of America and later ratified by the people of the several states to form a union which would work to establish justice, ensure domestic tranquility, provide for the common defense, and secure the blessings of liberty for posterity; and

WHEREAS, George Washington, on April 30, 1789, placed his palm upon an open Bible and solemnly, humbly, and resolutely took the oath of office as the first President of the United States of America amid the thunderous ovation of the people, the pealing of church bells, and roaring artillery salutes and forthwith led the young republic to a prominent place among the nations of this earth; and

WHEREAS, This great state of Washington, established in 1889, bears and honors the name of George Washington and the vignette of his likeness prominently and nobly displayed on the state seal;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor George Washington, the first President of these United States, and Father of this great nation, for his innumerable and indomitable accomplishments and contributions for the eternal cause of liberty and justice for all.

House Resolution No. 4716 was adopted.

HOUSE RESOLUTION NO. 2002-4717, By Representatives Upthegrove, Schual-Berke, Dickerson, Simpson and Kagi

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and

WHEREAS, Barbara Drennen and Barbara Richards, who were both longtime foster parents, were asked to develop a program for Washington state's most vulnerable infants, and in doing so acted to open the Pediatric Interim Care Center in the city of Kent, Washington, on October 1, 1990; and

WHEREAS, The Pediatric Interim Care Center is the only clinic of its kind in the United States; and

WHEREAS, The Pediatric Interim Care Center provides outstanding care for over one hundred twenty drug-affected babies in Washington state each year; and

WHEREAS, The Pediatric Interim Care Center has improved and enriched the lives of countless people in Washington state; and

WHEREAS, The Pediatric Interim Care Center served one hundred thirty-six infants in 2001, and has served one thousand two hundred ten infants in its ten years of operation; and

WHEREAS, The Pediatric Interim Care Center saved the taxpayers of the state of Washington over three million five hundred thousand dollars in 2001, and over twenty-two million dollars during the last ten years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Barbara Drennen, Barbara Richards, and the Pediatric Interim Care Center for outstanding service to the citizens of Washington state; and

BE IT FURTHER RESOLVED, That the copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Pediatric Interim Care Center.

House Resolution No. 4717 was adopted.

INTRODUCTION & FIRST READING

HB 2982 by Representative Dunshee

AN ACT Relating to the repeal of the state prohibition on funding options in RCW 82.02.090 regarding law enforcement, courts, and jails; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

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

REPORTS OF STANDING COMMITTEES

February 22, 2002

SSB 5028 Prime Sponsor, Senate Committee On Judiciary: Establishing the legal presumption of reasonable value from the certification of health care records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, after the enacting clause, strike everything and insert the following:

"**Sec. 1.** RCW 70.02.070 and 1995 c 292 s 20 are each amended to read as follows:

(1) Upon the request of the person requesting the record, the health care provider or facility shall certify the record furnished and may charge for such certification in accordance with RCW 36.18.016(5). No record need be certified until the fee is paid. The certification shall be affixed to the record and disclose:

((4)) (a) The identity of the patient;

- ~~((2))~~ (b) The kind of health care information involved;
~~((3))~~ (c) The identity of the person to whom the information is being furnished;
~~((4))~~ (d) The identity of the health care provider or facility furnishing the information;
~~((5))~~ (e) The number of pages of the health care information;
~~((6))~~ (f) The date on which the health care information is furnished; and
~~((7))~~ (g) That the certification is to fulfill and meet the requirements of this section.

(2) In a court of law, in an action to recover damages for personal injury, the amount stated in a health care provider's billing statement certified under this section for treatment provided to a patient is presumed to be the usual and customary value of health care treatment, and the statement is admissible in evidence to establish that the charges are usual and customary charges in the community. The presumption that the charges are usual and customary may be rebutted by a preponderance of the evidence. The presumption does not shift the burden of proof that the health care treatment was for health conditions proximately caused by another's fault."

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt and Esser.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Jarrett, Lovick and Lysen.

Voting Nay: Representatives Carrell, Boldt and Esser.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 5426 Prime Sponsor, Senator Patterson: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt; Esser and Jarrett.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Lovick and Lysen.

Voting Nay: Representatives Carrell, Boldt, Esser and Jarrett.

Passed to Committee on Rules for second reading.

February 22, 2002

SSB 5791 Prime Sponsor, Senate Committee on Judiciary: Paying for certain actions and proceedings for damages brought against law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; and Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 5886 Prime Sponsor, Senator Long: Authorizing agreements to change the number of experts or professional persons who must make competency evaluations for the state under chapter 10.77 RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; and Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

February 22, 2002

SB 6242 Prime Sponsor, Senator Johnson: Modifying the definition of nonprobate asset. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 22, 2002

SSB 6288 Prime Sponsor, Senate Committee on Human Services & Corrections: Making technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001, 2nd special session. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.020 and 2001 2nd sp.s. c 12 s 102 are each amended to read as follows: Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(5) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, and public libraries.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the ~~((facilities))~~ facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a ~~((secure))~~ total confinement facility by the secretary.

Sec. 2. RCW 71.09.250 and 2001 2nd sp.s. c 12 s 201 are each amended to read as follows:

(1)(a) The secretary is authorized to site, construct, occupy, and operate (i) a secure community transition facility on McNeil Island for persons authorized to petition for a less restrictive alternative under RCW 71.09.090(1) and who are conditionally released; and (ii) a special commitment center on McNeil Island with up to four hundred four beds as a total confinement facility under this chapter, subject to appropriated funding for those purposes. The secure community transition facility shall be authorized for the number of beds needed to ensure compliance with the orders of the superior courts under this chapter and the federal district court for the western district of Washington. The total number of beds in the secure community transition facility shall be limited to twenty-four, consisting of up to a maximum of fifteen transitional beds ~~((shall be limited to fifteen))~~ and up to a maximum of nine pretransitional beds established in subsection (2)(a) of this section. The residents occupying ~~((these))~~ the transitional beds shall be the only residents eligible for transitional services occurring in Pierce county. In no event shall more than fifteen residents of the secure community transition facility be participating in off-island transitional, educational, or employment activity at the same time in Pierce county. The department shall provide the Pierce county sheriff, or his or her designee, with a list of

the fifteen residents so designated, along with their photographs and physical descriptions, and ~~((#))~~ the list shall be immediately updated whenever a residential change occurs. The Pierce county sheriff, or his or her designee, shall be provided an opportunity to confirm the residential status of each resident leaving McNeil Island.

(b) For purposes of this subsection, "transitional beds" means beds only for residents ~~((in halfway house status))~~ who are judged by a qualified expert to be suitable to leave the island for treatment, education, and employment.

(2)(a) The secretary is authorized to site, either within the secure community transition facility established pursuant to subsection (1)(a)(i) of this section, or within the special commitment center, up to a maximum of nine pretransitional beds.

(b) Residents assigned to pretransitional beds shall not be permitted to leave McNeil Island for education, employment, treatment, or community activities in Pierce county.

(c) For purposes of this subsection, "pretransitional beds" means beds for residents whose progress toward a less secure residential environment and transition into more complete community involvement is projected to take substantially longer than a typical resident of the special commitment center.

(3) Notwithstanding RCW 36.70A.103 or any other law, this statute preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the secretary to site, construct, occupy, and operate a secure community transition facility on McNeil Island and a total confinement facility on McNeil Island.

(4) To the greatest extent possible, until June 30, 2003, persons who were not civilly committed from the county in which the secure community transition facility established pursuant to subsection (1) of this section is located may not be conditionally released to a setting in that same county less restrictive than that facility.

(5) As of June 26, 2001, the state shall immediately cease any efforts in effect on such date to site secure community transition facilities, other than the facility authorized by subsection (1) of this section, and shall instead site such facilities in accordance with the provisions of this section.

(6) The department must:

(a) Identify the minimum and maximum number of secure community transition facility beds in addition to the facility established under subsection (1) of this section that may be necessary for the period of May 2004 through May 2007 and provide notice of these numbers to all counties by August 31, 2001;

(b) ~~((In consultation with the joint select committee established in section 225, chapter 12, Laws of 2001 2nd sp. sess.,))~~ Develop and publish policy guidelines for the siting and operation of secure community transition facilities ~~((by October 1, 2001));~~ and

(c) Provide a status report to the appropriate committees of the legislature by December 1, 2002, on the development of facilities under the incentive program established in RCW 71.09.255. The report shall include a projection of the anticipated number of secure community transition facility beds that will become operational between May 2004 and May 2007. If it appears that an insufficient number of beds will be operational, the department's report shall recommend a progression of methods to facilitate siting in counties and cities including, if necessary, preemption of local land use planning process and other laws.

(7)(a) The total number of secure community transition facility beds that may be required to be sited in a county between June 26, 2001, and June 30, 2008, may be no greater than the total number of persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made on April 1, 2001. The total number of secure community transition facility beds required to be sited in each county between July 1, 2008, and June 30, 2015, may be no greater than the total number of persons civilly committed from that county or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause had been made as of July 1, 2008.

(b) Counties and cities that provide secure community transition facility beds above the maximum number that they could be required to site under this subsection are eligible for a bonus grant under the incentive provisions in RCW 71.09.255. The county where the special commitment center is located shall receive this bonus grant for the number of beds in the facility established in subsection (1) of this section in excess of the maximum number established by this subsection.

(c) No secure community transition facilities in addition to the one established in subsection (1) of this section may be required to be sited in the county where the special commitment center is located until after June 30, 2008, provided however, that the county and its cities may elect to site additional secure community transition facilities and shall be eligible under the incentive provisions of RCW 71.09.255 for any additional facilities meeting the requirements of that section.

(8) In identifying potential sites within a county for the location of a secure community transition facility, the department shall work with and assist local governments to provide for the equitable distribution of such facilities. In coordinating and deciding upon the siting of secure community transition facilities, great weight shall be given by the county and cities within the county to:

(a) The number and location of existing residential facility beds operated by the department of corrections or the mental health division of the department of social and health services in each jurisdiction in the county; and

(b) The number of registered sex offenders classified as level II or level III and the number of sex offenders registered as homeless residing in each jurisdiction in the county.

(9)(a) "Equitable distribution" means siting or locating secure community transition facilities in a manner that will not cause a disproportionate grouping of similar facilities either in any one county, or in any one jurisdiction or community within a county, as relevant; and

(b) "Jurisdiction" means a city, town, or geographic area of a county in which ~~((district))~~ distinct political or judicial authority may be exercised.

Sec. 3. RCW 71.09.255 and 2001 2nd sp.s. c 12 s 204 are each amended to read as follows:

(1) Upon receiving the notification required by RCW 71.09.250, counties must promptly notify the cities within the county of the maximum number of secure community transition facility beds that may be required and the projected number of beds to be needed in that county.

(2) The incentive grants provided under this section are subject to the following provisions:

(a) Counties and the cities within the county must notify each other of siting plans to promote the establishment and equitable distribution of secure community transition facilities;

(b) Development regulations, ordinances, plans, laws, and criteria established for siting must be consistent with statutory requirements and ~~((rules))~~ policies applicable to siting and operating secure community transition facilities;

(c) The minimum size for any facility is three beds; and

(d) The department must approve any sites selected.

(3) Any county or city that makes a commitment to initiate the process to site one or more secure community transition facilities by February 1, 2002, shall receive a planning grant as proposed and approved by the department of community, trade, and economic development.

(4) Any county or city that has issued all necessary permits by May 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive an incentive grant in the amount of fifty thousand dollars for each bed sited.

(5) To encourage the rapid permitting of sites, any county or city that has issued all necessary permits by January 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive a bonus in the amount of twenty percent of the amount provided under subsection (4) of this section.

(6) Any county or city that establishes secure community transition facility beds in excess of the maximum number that could be required to be sited in that county shall receive a bonus payment of one hundred thousand dollars for each bed established in excess of the maximum requirement.

(7) No payment shall be made under subsection (4), (5), or (6) of this section until all necessary permits have been issued.

Sec. 4. RCW 71.09.265 and 2001 2nd sp.s. c 12 s 208 are each amended to read as follows:

(1) The department shall make reasonable efforts to distribute the impact of the employment, education, and social services needs of the residents of the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i) among the adjoining counties that are west of the Cascade mountains and not to concentrate the residents' use of resources in any one community.

(2) The department shall develop policies to ensure that, to the extent possible, placement of persons eligible in the future for conditional release to a setting less restrictive than the facility

established pursuant to RCW 71.09.250(1)(a)(i) will be equitably distributed among the counties and within jurisdictions in the county.

Sec. 5. RCW 71.09.275 and 2001 2nd sp.s. c 12 s 211 are each amended to read as follows:

~~(1) ((By August 1, 2001, the department must provide the appropriate committees of the legislature with a transportation plan to address the issues of coordinating the movement of residents of the secure community transition facility established pursuant to RCW 71.09.250(1) between McNeil Island and the mainland with the movement of others who must use the same docks or equipment within the funds appropriated for this purpose.~~

~~(2))~~ If the department does not provide a separate vessel for transporting residents of the secure community transition facility established in RCW 71.09.250(1) between McNeil Island and the mainland, the ~~((plan))~~ department shall ~~((include at least the following components))~~:

~~(a) ((The))~~ Separate residents ~~((shall be separated))~~ from minors and vulnerable adults, except vulnerable adults who have been found to be sexually violent predators.

~~(b) ((The))~~ Not transport residents ~~((shall not be transported))~~ during times when children are normally coming to and from the mainland for school.

~~((3))~~ ~~(2)~~ The department shall designate a separate waiting area at the points of debarkation, and residents shall be required to remain in this area while awaiting transportation.

~~((4))~~ ~~(3)~~ The department shall provide law enforcement agencies in the counties and cities in which residents of the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i) regularly participate in employment, education, or social services, or through which these persons are regularly transported, with a copy of the court's order of conditional release with respect to these persons.

Sec. 6. RCW 71.09.290 and 2001 2nd sp.s. c 12 s 214 are each amended to read as follows:

The secretary shall establish policy guidelines for the siting of secure community transition facilities, other than the secure community transition facility established pursuant to RCW 71.09.250(1)(a)(i), which shall include at least the following minimum requirements:

(1) The following criteria must be considered prior to any real property being listed for consideration for the location of or use as a secure community transition facility:

(a) The proximity and response time criteria established under RCW 71.09.285;

(b) The site or building is available for lease for the anticipated use period or for purchase;

(c) Security monitoring services and appropriate back-up systems are available and reliable;

(d) Appropriate mental health and sex offender treatment providers must be available within a reasonable commute; and

(e) Appropriate permitting for a secure community transition facility must be possible under the zoning code of the local jurisdiction.

(2) For sites which meet the criteria of subsection (1) of this section, the department shall analyze and compare the criteria in subsections (3) through (5) of this section using the method established in RCW 71.09.285.

(3) Public safety and security criteria shall include at least the following:

(a) Whether limited visibility between the facility and adjacent properties can be achieved prior to placement of any person;

(b) The distance from, and number of, risk potential activities and facilities, as measured using the ~~((rules))~~ policies adopted under RCW 71.09.285;

(c) The existence of or ability to establish barriers between the site and the risk potential facilities and activities;

(d) Suitability of the buildings to be used for the secure community transition facility with regard to existing or feasibly modified features; and

(e) The availability of electronic monitoring that allows a resident's location to be determined with specificity.

(4) Site characteristics criteria shall include at least the following:

(a) Reasonableness of rental, lease, or sale terms including length and renewability of a lease or rental agreement;

(b) Traffic and access patterns associated with the real property;

(c) Feasibility of complying with zoning requirements within the necessary time frame; and

- (d) A contractor or contractors are available to install, monitor, and repair the necessary security and alarm systems.
- (5) Program characteristics criteria shall include at least the following:
- (a) Reasonable proximity to available medical, mental health, sex offender, and chemical dependency treatment providers and facilities;
 - (b) Suitability of the location for programming, staffing, and support considerations;
 - (c) Proximity to employment, educational, vocational, and other treatment plan components.
 - (6) For purposes of this section "available" or "availability" of qualified treatment providers includes provider qualifications and willingness to provide services, average commute time, and cost of services.

Sec. 7. RCW 71.09.300 and 2001 2nd sp.s. c 12 s 216 are each amended to read as follows:

~~((1))~~ Secure community transition facilities shall meet the following minimum staffing requirements:

~~((a))~~ (1) At any time the census of a facility is six or fewer residents, the facility shall maintain a minimum staffing ratio of one staff per resident during normal waking hours and two awake staff per three residents during normal sleeping hours.

~~((b))~~ (2) At any time the census of a facility is six or fewer residents, all staff shall be classified as residential rehabilitation counselor II or have a classification that indicates ~~((a))~~ an equivalent or higher level of skill, experience, and training.

~~((c))~~ (3) Before being assigned to a facility, all staff shall have training in sex offender issues, self-defense, and crisis de-escalation skills in addition to departmental orientation and, as appropriate, management training. All staff with resident treatment or care duties must participate in ongoing in-service training.

~~((d))~~ (4) All staff must pass a departmental background check and the check is not subject to the limitations in chapter 9.96A RCW. A person who has been convicted of a felony, or any sex offense, may not be employed at the secure community transition facility or be approved as an escort for a resident of the facility.

~~((2) With respect to the facility established pursuant to RCW 71.09.250(1), the department shall, no later than December 1, 2001, provide a staffing plan to the appropriate committees of the legislature that will cover the growth of that facility to its full capacity.-))~~

Sec. 8. RCW 71.09.325 and 2001 2nd sp.s. c 12 s 221 are each amended to read as follows:

(1) The secretary shall adopt a violation reporting policy for persons conditionally released to less restrictive alternative placements. The policy shall require written documentation by the department and service providers of all violations of conditions set by the department, the department of corrections, or the court and establish criteria for returning a violator to the special commitment center or a secure community transition facility with a higher degree of security. Any conditionally released person who commits a serious violation of conditions shall be returned to the special commitment center, unless arrested by a law enforcement officer, and the court shall be notified immediately and shall initiate proceedings under RCW 71.09.098 to revoke or modify the less restrictive alternative placement. Nothing in this section limits the authority of the department to return a person to the special commitment center based on a violation that is not a serious violation as defined in this section. For the purposes of this section, "serious violation" includes but is not limited to:

- (a) The commission of any criminal offense;
- (b) Any unlawful use or possession of a controlled substance; and
- (c) Any violation of conditions targeted to address the person's documented pattern of offense that increases the risk to public safety.

(2) When a person is conditionally released to a less restrictive alternative under this chapter and is under the supervision of the department of corrections, notice of any violation of the person's conditions of release must also be made to the department of corrections.

(3) Whenever the secretary contracts with a service provider to operate a secure community transition facility, the contract shall include a requirement that the service provider must report to the department ~~((of social and health services))~~ any known violation of conditions committed by any resident of the secure community transition facility.

(4) The secretary shall document in writing all violations, penalties, actions by the department ~~((of social and health services))~~ to remove persons from a secure community transition facility, and

contract terminations. The secretary shall compile this information and submit it to the appropriate committees of the legislature on an annual basis. The secretary shall give great weight to a service provider's record of violations, penalties, actions by the department (~~of social and health services~~) or the department of corrections to remove persons from a secure community transition facility, and contract terminations in determining whether to execute, renew, or renegotiate a contract with a service provider.

Sec. 9. RCW 9.95.011 and 2001 2nd sp.s. c 12 s 320 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.850, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2) Not less than ninety days prior to the expiration of the minimum term of a person sentenced under RCW 9.94A.712, for a sex offense committed on or after (~~July~~) September 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

Sec. 10. RCW 9.95.017 and 2001 2nd sp.s. c 12 s 321 are each amended to read as follows:

(1) The board shall cause to be prepared criteria for duration of confinement, release on parole, and length of parole for persons committed to prison for crimes committed before July 1, 1984.

The proposed criteria should take into consideration RCW 9.95.009(2). Before submission to the governor, the board shall solicit comments and review on their proposed criteria for parole release. (~~These proposed criteria shall be submitted for consideration by the 1987 legislature.~~)

(2) Persons committed to the department of corrections and who are under the authority of the board for crimes committed on or after (~~July~~) September 1, 2001, are subject to the provisions for duration of confinement, release to community custody, and length of community custody established in RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440.

Sec. 11. RCW 9.95.055 and 2001 2nd sp.s. c 12 s 325 are each amended to read as follows:

The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who: (1) Are confined for (a) treason, (b) murder in the first degree, or (c) carnal knowledge of a female child under ten years; AND PROVIDED FURTHER, That no such inmate shall be released under this section who is (c) rape of a child in the first degree where the victim is under ten years of age or an equivalent offense under prior law; (2) are being considered for civil commitment as a sexually violent predator under chapter 71.09 RCW; or (~~was~~) (3) were sentenced under RCW 9.94A.712 for a crime committed on or after (~~July~~) September 1, 2001.

Sec. 12. RCW 9.95.070 and 2001 2nd sp.s. c 12 s 327 are each amended to read as follows:

(1) Every prisoner, convicted of a crime committed before July 1, 1984, who has a favorable record of conduct at (~~the penitentiary or the reformatory~~) a state correctional institution, and who

performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the superintendent of the (~~penitentiary or reformatory~~) institution, and in whose behalf the superintendent of the (~~penitentiary or reformatory~~) institution files a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the indeterminate sentence review board, be allowed time credit reductions from the term of imprisonment fixed by the board.

(2) Offenders sentenced under RCW 9.94A.712 for a crime committed on or after (~~July~~) September 1, 2001, are subject to the earned release provisions for sex offenders established in RCW 9.94A.728.

Sec. 13. RCW 9.95.110 and 2001 2nd sp.s. c 12 s 331 are each amended to read as follows:

(1) The board may permit an offender convicted of a crime committed before July 1, 1984, to leave the buildings and enclosures of a state correctional institution on parole, after such convicted person has served the period of confinement fixed for him or her by the board, less time credits for good behavior and diligence in work: PROVIDED, That in no case shall an inmate be credited with more than one-third of his or her sentence as fixed by the board.

The board may establish rules and regulations under which an offender may be allowed to leave the confines of a state correctional institution on parole, and may return such person to the confines of the institution from which he or she was paroled, at its discretion.

(2) The board may permit an offender convicted of a crime committed on or after (~~July~~) September 1, 2001, and sentenced under RCW 9.94A.712, to leave a state correctional institution on community custody according to the provisions of RCW 9.94A.712, 9.94A.713, 72.09.335, and 9.95.420 through 9.95.440. The person may be returned to the institution following a violation of his or her conditions of release to community custody pursuant to the hearing provisions of RCW 9.95.435.

Sec. 14. RCW 9.95.120 and 2001 2nd sp.s. c 12 s 333 are each amended to read as follows:

Whenever the board or a community corrections officer of this state has reason to believe a person convicted of a crime committed before July 1, 1984, has breached a condition of his or her parole or violated the law of any state where he or she may then be or the rules and regulations of the board, any community corrections officer of this state may arrest or cause the arrest and detention and suspension of parole of such convicted person pending a determination by the board whether the parole of such convicted person shall be revoked. All facts and circumstances surrounding the violation by such convicted person shall be reported to the board by the community corrections officer, with recommendations. The board, after consultation with the secretary of corrections, shall make all rules and regulations concerning procedural matters, which shall include the time when state community corrections officers shall file with the board reports required by this section, procedures pertaining thereto and the filing of such information as may be necessary to enable the board to perform its functions under this section. On the basis of the report by the community corrections officer, or at any time upon its own discretion, the board may revise or modify the conditions of parole or order the suspension of parole by the issuance of a written order bearing its seal, which order shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board for his or her return to a state correctional institution for convicted felons. Any such revision or modification of the conditions of parole or the order suspending parole shall be personally served upon the parolee.

Any parolee arrested and detained in physical custody by the authority of a state community corrections officer, or upon the written order of the board, shall not be released from custody on bail or personal recognizance, except upon approval of the board and the issuance by the board of an order of reinstatement on parole on the same or modified conditions of parole.

All chiefs of police, marshals of cities and towns, sheriffs of counties, and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

Whenever a paroled prisoner is accused of a violation of his or her parole, other than the commission of, and conviction for, a felony or misdemeanor under the laws of this state or the laws of any state where he or she may then be, he or she shall be entitled to a fair and impartial hearing of such charges within thirty days from the time that he or she is served with charges of the violation of

conditions of parole after his or her arrest and detention. The hearing shall be held before one or more members of the board at a place or places, within this state, reasonably near the site of the alleged violation or violations of parole.

In the event that the board suspends a parole by reason of an alleged parole violation or in the event that a parole is suspended pending the disposition of a new criminal charge, the board shall have the power to nullify the order of suspension and reinstate the individual to parole under previous conditions or any new conditions that the board may determine advisable. Before the board shall nullify an order of suspension and reinstate a parole they shall have determined that the best interests of society and the individual shall best be served by such reinstatement rather than a return to a ~~((penal))~~ correctional institution.

Sec. 15. RCW 9.95.435 and 2001 2nd sp.s. c 12 s 309 are each amended to read as follows:

(1) If an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody, the board may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (2) of this section.

(2) Following the hearing specified in subsection (3) of this section, the board may impose sanctions such as work release, home detention with electronic monitoring, work crew, community service, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community, or may suspend or revoke the release to community custody whenever an offender released by the board under RCW 9.95.420 violates any condition or requirement of community custody.

(3) If an offender released by the board under RCW 9.95.420 is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the board or its designee prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The board shall develop hearing procedures and a structure of graduated sanctions consistent with the hearing procedures and graduated sanctions developed pursuant to RCW 9.94A.737. The board may suspend the offender's release to community custody and confine the offender in a correctional institution owned, operated by, or operated under contract with the state prior to the hearing unless the offender has been arrested and confined for a new criminal offense.

(4) The hearing procedures required under subsection (3) of this section shall be developed by rule and include the following:

(a) Hearings shall be conducted by members of the board unless the board enters into an agreement with the department to use the hearing officers established under RCW 9.94A.737;

(b) The board shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the board;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing examiner if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; (v) question witnesses who appear and testify; and (vi) be represented by counsel if revocation of the release to community custody is a possible sanction for the violation; and

(e) The sanction shall take effect if affirmed by the hearing examiner.

(5) Within seven days after the hearing examiner's decision, the offender may appeal the decision to a panel of three reviewing examiners designated by the chair of the board or by the chair's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: ~~((#))~~ (a) The crime of conviction; ~~((#))~~ (b) the

violation committed; ~~((iii))~~ (c) the offender's risk of reoffending; or ~~((iv))~~ (d) the safety of the community.

~~((5))~~ (6) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

Sec. 16. RCW 9.95.440 and 2001 2nd sp.s. c 12 s 310 are each amended to read as follows:

In the event the board suspends the release status of an offender released under RCW 9.95.420 by reason of an alleged violation of a condition of release, or pending disposition of a new criminal charge, the board may nullify the suspension order and reinstate release under previous conditions or any new conditions the board determines advisable pursuant to RCW 9.94A.713(5). Before the board may nullify a suspension order and reinstate release, it shall determine that the best interests of society and the offender shall be served by such reinstatement rather than return to confinement.

Sec. 17. RCW 18.155.030 and 2001 2nd sp.s. c 12 s 402 are each amended to read as follows:

(1) No person shall represent himself or herself as a certified sex offender treatment provider without first applying for and receiving a certificate pursuant to this chapter.

(2) Except as provided under RCW 9.94A.820 and 71.09.350, only a certified sex offender treatment provider may perform or provide the following services:

(a) Evaluations conducted for the purposes of and pursuant to RCW 9.94A.670 and 13.40.160;

(b) Treatment of convicted sex offenders who are sentenced and ordered into treatment pursuant to chapter 9.94A RCW and adjudicated juvenile sex offenders who are ordered into treatment pursuant to chapter 13.40 RCW;

~~((Except as provided under subsection (3) of this section,))~~ (c) Treatment of sexually violent predators who are conditionally released to a less restrictive alternative pursuant to chapter 71.09 RCW.

(3) A certified sex offender treatment provider or a treatment provider authorized under RCW 71.09.350 may not perform or provide treatment of sexually violent predators under subsection (2)(c) of this section if the certified sex offender treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

Sec. 18. RCW 71.09.270 and 2001 2nd sp.s. c 12 s 210 are each amended to read as follows:

The secretary of social and health services shall coordinate with the secretary of corrections and the appropriate local or state law enforcement agency or agencies to establish a twenty-four-hour law enforcement presence on McNeil Island before any person is admitted to the secure community transition facility established under RCW 71.09.250(1)(a)(i). Law enforcement shall coordinate with the emergency response team for McNeil Island to provide planning and coordination in the event of an escape from the special commitment center or the secure community transition facility.

~~((In addition, or if no law enforcement agency will provide a law enforcement presence on the island, not more than ten correctional employees, as selected by the secretary of corrections, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a general authority peace officer while acting in a law enforcement capacity. If there is no law enforcement agency to provide the law enforcement presence, those correctional employees selected as peace officers shall provide a twenty four hour presence and shall not have correctional duties at the correctional facility in addition to the emergency response team while acting in a law enforcement capacity.))~~

NEW SECTION. Sec. 19. A new section is added to chapter 72.09 RCW to read as follows:

If no law enforcement agency will provide a law enforcement presence on the island, not more than ten correctional employees, as selected by the secretary of corrections, who are members of the emergency response team for the McNeil Island correctional facility, shall have the powers and duties of a general authority peace officer while acting in a law enforcement capacity. If there is no law enforcement agency to provide the law enforcement presence, those correctional employees selected as

peace officers shall provide a twenty-four-hour presence and shall not have correctional duties at the correctional facility in addition to the emergency response team while acting in a law enforcement capacity."

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 27, 2002, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

2982
Introduction & 1st Reading 5
4709 Introduced 1
Adopted 1
4712 Introduced 2
Adopted 1
4714 Introduced 3
Adopted 2
4715 Introduced 4
Adopted 3
4716 Introduced 5
Adopted 4
4717 Introduced 5
Adopted 5
5028-S Committee Report 5
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6036 Messages 1
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6288-S Committee Report 7

JOURNAL OF THE HOUSE

FORTY FOURTH DAY, FEBRUARY 26, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 27, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Morris and Trang Hoang. Prayer was offered by Pastor Bob Delaney, Harvest Christian Fellowship Church, Spokane.

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

MESSAGE FROM THE SENATE

February 26, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6396,
SENATE BILL NO. 6818,

and the same are herewith transmitted.

Tony M. Cook, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

SENATE BILL NO. 6036,

The Speaker called upon Representative Lovick to preside.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4719, By Representatives Esser, Ruderman, Nixon, Lovick, Schmidt, Cox, Anderson, Jarrett, Van Luven, Skinner, Hankins and Pflug

WHEREAS, More than 32,500 Microsoft employees living in our great State of Washington contribute to the social and economic well-being of our state; and

WHEREAS, Microsoft employees developed and deployed in 10 hours the Family Registration Web at the request of the American Red Cross to help the organization reunite friends and families displaced by the attacks of September 11th, as well as assisting relief efforts in many ways; and

WHEREAS, The United States Army honored Microsoft employees for their commitment to helping those affected by the events of September 11th;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington express their thanks to Microsoft employees for helping our nation respond to the events of September 11th; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Bill Gates, Chairman of the Board and Chief Software Architect of Microsoft Corporation, and Deborah Willingham, Senior Vice President, Human Resources.

Representative Esser moved the adoption of the resolution.

Representatives Esser, Ruderman, Nixon and Kessler spoke in favor of the adoption of the resolution.

House Resolution No. 4719 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) introduced the Apple Blossom Court, Queen Natalie Bird, and Princesses Amanda Johnson and Bergen White. Queen Natalie addressed the Chamber.

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

INTRODUCTION & FIRST READING

HB 2983 by Representatives Armstrong, Anderson, Mitchell, Morell, Mielke, Pflug, Boldt, Woods and Kessler

AN ACT Relating to maximizing the revenue generated from motorist information sign panels; and adding a new section to chapter 47.36 RCW.

Referred to Committee on Transportation.

HB 2984 by Representatives Mielke, Armstrong, Ericksen, Holmquist, Schindler, Morell, Mitchell, Boldt and Woods

AN ACT Relating to allowing additional public-private transportation initiatives; and amending RCW 47.46.030.

Referred to Committee on Transportation.

HB 2985 by Representatives Ericksen, Anderson, Armstrong, Schindler, Holmquist, Mielke, Pflug, Mulliken, Boldt and Woods

AN ACT Relating to transportation project permits; and adding new sections to chapter 47.06C RCW.

Referred to Committee on Transportation.

HB 2986 by Representatives Ericksen, Anderson, Holmquist, Schindler, Morell, Mielke, Hankins, Pflug, Mulliken, Boldt, Woods and Kessler

AN ACT Relating to habitat mitigation banks; and adding a new chapter to Title 90 RCW.

Referred to Committee on Transportation.

HB 2987 by Representatives Mielke, Ericksen, Sehlin and Boldt

AN ACT Relating to passenger-only ferries; and amending RCW 47.60.120 and 47.64.090.

Referred to Committee on Transportation.

HB 2988 by Representatives Anderson, Morell, Schindler, Ericksen, Mitchell, Mielke, Hankins, Boldt, Woods and Bush

AN ACT Relating to election of board members of a regional transit authority; and amending RCW 81.112.030 and 81.112.040.

Referred to Committee on Transportation.

HB 2989 by Representatives Anderson, Morell, Ericksen, Schindler, Mielke, Pflug, Boldt, Woods and Kessler

AN ACT Relating to unrestricted use of high-occupancy vehicle lanes on weekends; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2990 by Representatives Schindler, Holmquist, Mielke, Ericksen, Mitchell, Morell, Pflug, Mulliken, Boldt, Woods and Kessler

AN ACT Relating to continuity of transportation efficiencies; repealing 2002 c . . . (ESHB 2304) s 205 (uncodified); repealing 2002 c . . . (ESHB 2304) s 309 (uncodified); and declaring an emergency.

Referred to Committee on Transportation.

HB 2991 by Representatives Ericksen, Mielke, Schindler, Mitchell, Morell, Holmquist, Pflug, Mulliken, Boldt and Woods

AN ACT Relating to streamlining permitting for transportation projects of statewide significance; and adding a new section to chapter 47.28 RCW.

Referred to Committee on Transportation.

HB 2992 by Representatives Kirby, O'Brien, Reardon, Jarrett, Lovick, Armstrong, Morell, Hatfield, Kessler, Jackley and Bush

AN ACT Relating to transportation-related impact fees for residential construction; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Transportation.

HB 2993 by Representatives Linville and Kirby

AN ACT Relating to water policy; amending RCW 90.54.020, 90.22.010, 90.03.386, 90.03.383, 90.48.495, 90.48.112, 90.46.010, 90.46.030, 90.46.050, 90.46.130, 90.03.380, 90.44.100, 43.21B.110, 90.38.020, 90.42.080, and 90.03.370; reenacting and amending RCW 90.14.140; adding new sections to chapter 90.54 RCW; adding a new section to chapter 90.82 RCW; adding new sections to chapter 90.03 RCW; adding new sections to chapter 70.119A RCW; adding new sections to chapter 90.46 RCW; adding new sections to chapter 90.44 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Ecology.

HB 2994 by Representative Clements

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2995 by Representative Fisher

AN ACT Relating to vehicle dealer documentary service fees; amending RCW 63.14.010 and 63.14.130; reenacting and amending RCW 46.70.180; and creating a new section.

Referred to Committee on Transportation.

ESB 6396 by Senators Fairley and Zarelli; by request of Governor Locke

AN ACT Relating to the capital budget; amending RCW 28B.30.730, 28B.50.360, 43.30.265, 46.09.165, and 79A.25.200; amending 2001 2nd sp.s. c 8 ss 117, 118, 147, 183, 257, 270, 278, 303, 311, 313, 315, 344, 346, 348, 350, 354, 387, 388, 390, 392, 394, 396, 397, 416, 420, 425, 505, 506,

602, 624, 661, 701, 755, 784, 799, 803, 804, 813, 824, 828, 829, 907, 111, 157, and 265 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2001 2nd sp.s. c 8 ss 184, 186, 187, and 421 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Capital Budget.

SB 6818 by Senators Fairley and Zarelli

AN ACT Relating to state general obligation bonds; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

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

REPORTS OF STANDING COMMITTEES

February 25, 2002
SSB 5099 Prime Sponsor, Senate Committee on Health & Long-Term Care: Designating medical directors. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "RCW" insert ", or licensed in a state that has been determined by the dental quality assurance commission to have substantially equivalent licensing standards to those of Washington"

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards, Ruderman and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

February 25, 2002
SB 5373 Prime Sponsor, Senator Sheahan: Changing mandatory arbitration of civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member; Boldt; Esser and Jarrett.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Lovick and Lysen.

Voting Nay: Representatives Carrell, Boldt, Esser and Jarrett.

Passed to Committee on Rules for second reading.

February 25, 2002

SB 5829 Prime Sponsor, Senator Prentice: Relating to cooperative activities by local governments.
Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Conway, Darneille, Edwards and Ruderman.

Voting Nay: Representatives Alexander and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

February 25, 2002

SB 6266 Prime Sponsor, Senator Johnson: Updating creditor/debtor personal property exemptions.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member.

Voting Yea: Representatives Lantz, Hurst, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting Nay: Representative Carrell.

Passed to Committee on Rules for second reading.

February 25, 2002

SB 6401 Prime Sponsor, Senator Kline: Standardizing references to county clerks. Reported by
Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt.

Voting Yea: Representatives Lantz, Hurst, Carrell, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting Nay: Representative Boldt.

Passed to Committee on Rules for second reading.

February 25, 2002

SSB 6537 Prime Sponsor, Committee on Health & Long-Term Care: Providing emergency
contraception to sexual assault victims. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards, Ruderman and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

February 25, 2002

ESSB 6558 Prime Sponsor, Committee on Education: Revising provisions for the governance of the Washington state school for the deaf. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

Sponsor, Senator "Sec. 1. RCW 72.40.010 and 1985 c 378 s 11 are each amended to read as follows:

There are established at Vancouver, Clark county, a school which shall be known as the state school for the blind, and a separate school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

The ~~((schools))~~ school for the blind shall be under the direction of ~~((their respective superintendents))~~ the superintendent with the advice of the board of trustees. The school for the deaf shall be under the direction of the superintendent and the board of trustees.

Sec. 2. RCW 72.40.022 and 1993 c 147 s 1 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the blind ~~((and the superintendent of the state school for the deaf))~~:

(1) Shall have full control of ~~((their respective schools))~~ the school and the property of various kinds.

(2) May establish criteria, in addition to state certification, for teachers at ~~((their respective schools))~~ the school.

(3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the advice of the ~~((respective boards))~~ board of trustees.

(5) May establish new facilities as needs demand.

(6) May adopt rules, under chapter 34.05 RCW, as deemed necessary for the government, management, and operation of the housing facilities.

(7) Shall control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of ~~((their respective schools))~~ the school.

(8) May adopt rules for pedestrian and vehicular traffic on property owned, operated, and maintained by the ~~((respective schools))~~ school.

(9) Shall purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of ~~((their respective schools))~~ the school.

(10) Except as otherwise provided by law, may enter into contracts as ~~((each))~~ the superintendent deems essential to the ~~((respective purposes of their schools))~~ purpose of the school.

(11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the ~~((respective schools))~~ school; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(12) May, except as otherwise provided by law, enter into contracts ~~((as the superintendents deem))~~ the superintendent deems essential for the operation of ~~((their respective schools))~~ the school.

(13) May adopt rules providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.

(14) Shall prepare and administer (~~their respective budgets~~) the school's budget consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.

(15) May adopt rules under chapter 34.05 RCW and perform all other acts not forbidden by law as the superintendent(~~(s)~~) deems necessary or appropriate to the administration of (~~their respective schools~~) the school.

NEW SECTION. Sec. 3. A new section is added to chapter 72.40 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the superintendent of the state school for the deaf:

(1) Shall have the responsibility for the supervision and management of the school and the property of various kinds.

(2) May establish criteria, in addition to state certification, for the teachers at the school.

(3) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law.

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the approval of the board of trustees.

(5) May establish, with the approval of the board of trustees, new facilities as needs demand.

(6) May adopt rules, under chapter 34.05 RCW, as approved by the board of trustees, as deemed necessary for the governance, management, and operation of the housing facilities.

(7) Shall, as approved by the board of trustees, control the use of the facilities and authorize the use of the facilities for night school, summer school, public meetings, or other purposes consistent with the purposes of the school.

(8) May adopt rules, as approved by the board of trustees, for pedestrian and vehicular traffic on property owned, operated, and maintained by the school.

(9) Shall purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of the school.

(10) Except as otherwise provided by law, may enter into contracts as the superintendent deems essential to the purpose of the school.

(11) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the school; sell, lease or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof.

(12) May adopt rules, as approved by the board of trustees, providing for the transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect.

(13) Shall prepare, submit to the board of trustees for approval, and administer the budget consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable.

(14) May adopt rules under chapter 34.05 RCW, as approved by the board of trustees, and perform all other acts not forbidden by law as the superintendent deems necessary or appropriate to the administration of the school.

Sec. 4. RCW 72.40.024 and 1993 c 147 s 2 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022 and section 3 of this act, the superintendent of each school shall:

(1) Monitor the location and educational placement of each student reported to the superintendents by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction, provide instructional leadership, and assist school districts in improving their instructional programs for students with visual or hearing impairments.

Sec. 5. RCW 72.42.010 and 1985 c 378 s 31 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the state school for the deaf to perform the duties set forth in this chapter, that the board of trustees perform needed ~~((advisory))~~ oversight services to the governor and the legislature ~~((and to the superintendent))~~ of the Washington state school for the deaf in the development of programs for the hearing impaired, and in the operation of the Washington state school for the deaf.

NEW SECTION. Sec. 6. A new section is added to chapter 72.42 RCW to read as follows:
Unless the context clearly requires otherwise, as used in this chapter "school" means the Washington state school for the deaf.

NEW SECTION. Sec. 7. A new section is added to chapter 72.42 RCW to read as follows:

(1) The governance of the school shall be vested in a board of trustees. The board shall consist of nine members appointed by the governor, with the consent of the senate. The board shall be composed of a resident from each of the state's congressional districts and shall include:

- (a) One member who is deaf or hearing impaired;
- (b) Two members who are experienced educational professionals;
- (c) One member who is experienced in providing residential services to youth; and
- (d) One member who is the parent of a child who is deaf or hearing impaired and who is receiving or has received educational services related to deafness or hearing impairment from a public educational institution.

(2) No voting trustee may be an employee of the school, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, a school district or educational service district administrator appointed after July 1, 1986, or an elected officer or member of the legislative authority of any municipal corporation.

(3) Trustees shall be appointed by the governor to serve a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term. Of the initial members, three must be appointed for two-year terms, three must be appointed for three-year terms, and the remainder must be appointed for five-year terms.

(4) The board shall not be deemed unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. In such an event, each trustee may continue to serve in office for the balance of the term for which he or she was appointed so long as the trustee continues to reside within the boundaries of the congressional district as they existed at the time of his or her appointment. Vacancies which occur in a trustee position during the balance of any term shall be filled pursuant to subsection (3) of this section by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was appointed as they existed at the time of his or her appointment. At the completion of such term, and thereafter, a successor shall be appointed from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed.

NEW SECTION. Sec. 8. A new section is added to chapter 72.42 RCW to read as follows:

The board of trustees of the school:

- (1) Shall adopt rules and regulations for its own governance;
- (2) Shall direct the development of, approve, and monitor the enforcement of policies, rules, and regulations pertaining to the school, including but not limited to:
 - (a) The use of classrooms and other facilities for summer or night schools or for public meetings and any other uses;
 - (b) Pedestrian and vehicular traffic on property owned, operated, or maintained by the school;
 - (c) Governance, management, and operation of the residential facilities;

(d) Transferability of employees between the school for the deaf and the school for the blind consistent with collective bargaining agreements in effect; and

(e) Compliance with state and federal education civil rights laws at the school.

(3) Shall develop a process for recommending candidates for the position of superintendent and upon a vacancy shall submit a list of three qualified candidates for superintendent to the governor;

(4) Shall submit an evaluation of the superintendent to the governor by July 1st of each odd-numbered year that includes a recommendation regarding the retention of the superintendent;

(5) May recommend to the governor at any time that the superintendent be removed for conduct deemed by the board to be detrimental to the interests of the school;

(6) Shall prepare and submit by July 1st of each even-numbered year a report to the governor and the appropriate committees of the legislature which contains a detailed summary of the school's progress on performance objectives and the school's work, facility conditions, and revenues and costs of the school for the previous year and which contains those recommendations it deems necessary and advisable for the governor and the legislature to act on;

(7) Shall approve the school's budget and all funding requests, both operating and capital, submitted to the governor;

(8) Shall direct Sponsor, Senator and approve the development and implementation of comprehensive programs of education, training, and as needed residential living, such that students served by the school receive a challenging and quality education in a safe school environment;

(9) Shall direct, monitor, and approve the implementation of a comprehensive continuous quality improvement system for the school;

(10) Shall monitor and inspect all existing facilities of the school and report its findings in its biennial report to the governor and appropriate committees of the legislature; and

(11) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

NEW SECTION. Sec. 9. A new section is added to chapter 72.42 RCW to read as follows:

(1) The board of trustees shall organize, adopt bylaws for its own governance, and adopt rules not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice-chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified.

(2) A majority of the voting members of the board in office constitutes a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed by its bylaws, rules, or regulations.

Sec. 10. RCW 72.42.070 and 1993 c 147 s 10 are each amended to read as follows:

The board of trustees shall meet at least quarterly but may meet more frequently at such times as the board by resolution determines or the bylaws of the board prescribe.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 72.42.020 (Board of trustees--Membership--Terms--Vacancies--Officers--Rules and regulations) and 1993 c 147 s 9, 1985 c 378 s 33, 1982 1st ex.s. c 30 s 15, & 1972 ex.s. c 96 s 2;

(2) RCW 72.42.025 (Membership, effect of creation of new congressional districts or boundaries) and 1982 1st ex.s. c 30 s 16;

(3) RCW 72.42.030 (Bylaws--Rules and regulations--Officers) and 1972 ex.s. c 96 s 3; and

(4) RCW 72.42.040 (Powers and duties) and 1985 c 378 s 34, 1981 c 42 s 1, & 1972 ex.s. c 96 s 4.

NEW SECTION. Sec. 12. This act takes effect July 1, 2002, except that the governor may appoint the members of the board of trustees under section 7 of this act prior to the beginning of their terms of office on July 1, 2002.

Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell; Nixon and Orcutt.

Voting Yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell, Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 25, 2002

SB 6587 Prime Sponsor, Senator Thibaudeau: Repealing state regulation of eye banks. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards, Ruderman and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

February 25, 2002

SB 6698 Prime Sponsor, Senator Thibaudeau: Exempting reflexologists from regulation as massage practitioners. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards, Ruderman and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

February 25, 2002

SJM 8001 Prime Sponsor, Senator Franklin: Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Conway, Darneille, Edwards, Ruderman and Skinner.

Excused: Representatives Ballasiotes and Benson.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 27, 2002, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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2984 Introduction & 1st Reading 2
2985 Introduction & 1st Reading 2
2986 Introduction & 1st Reading 2
2987 Introduction & 1st Reading 2
2988 Introduction & 1st Reading 3
2989 Introduction & 1st Reading 3
2990 Introduction & 1st Reading 3
2991 Introduction & 1st Reading 3
2992 Introduction & 1st Reading 3
2993 Introduction & 1st Reading 3
2994 Introduction & 1st Reading 3
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4719 Introduced 1
Adopted 2
5099-S Committee Report 4
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5829 Committee Report 5
6036 Other Action 1
6266 Committee Report 5
6396 Introduction & 1st Reading 4
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FORTY FIFTH DAY, FEBRUARY 27, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 28, 2002

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

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4723, by Representatives Mastin and Grant

WHEREAS, The Walla Walla Community College Pom Squad earned top honors at the Universal Dance Association's competition in Orlando, Florida on January 13, 2002; and

WHEREAS, The Walla Walla Community College Pom Squad, under the direction of coaches, Teri Rowe and Nichole Best, took first place in the open dance division, competing against 25 other schools, a mix of two and four-year colleges and universities; and

WHEREAS, The Walla Walla Community College Pom Squad has been among the top 10 finalists two years in a row, winning third place in the same category last year; and

WHEREAS, The Walla Walla Community College Pom Squad appeared on ESPN2 on February 6, 2002, performing their winning dance while clad in shiny ruby red jumpsuits and black top hats; and

WHEREAS, The Walla Walla Community College Pom Squad consists of team members Jessica Ardis, Caiti Berg, Launa Delo, Cassie Driggs, Sandra Enriquez, Jessica Fowler, Andria Haeger, Jackie Hightower, Annlee Hoy, Kiki Macivor, Jen Malloy, Sara Nicholas, Kim Pennala, Maria Rios, Nichole Smith, and Angie Stapleton;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the Walla Walla Community College Pom Squad and coaches for their extraordinary talents and incredible victory in winning the 2002 National Collegiate Dance Championships.

House Resolution No. 4723 was adopted.

REPORTS OF STANDING COMMITTEES

February 27, 2002
HB 2969 Prime Sponsor, Representative Fisher: Addressing transportation improvement and financing.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Hankins; Holmquist; Jarrett; Mielke; Morell; Schindler and Woods.

Voting yea: Representatives Fisher, Cooper, Edwards, Haigh, Hatfield, Jackley, Lovick, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting Nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Hankins, Holmquist, Jarrett, Mielke, Morell, Schindler, Skinner and Woods.

February 27, 2002

HB 2984 Prime Sponsor, Representative Mielke: Allowing additional public-private transportation initiatives. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Hankins; Holmquist; Jarrett; Mielke; Morell; Schindler; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Edwards, Haigh, Hatfield, Jackley, Lovick, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting Nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Hankins, Holmquist, Jarrett, Mielke, Morell, Schindler, Skinner and Woods.

Passed to Committee on Rules for second reading.

February 27, 2002

HB 2986 Prime Sponsor, Representative Ericksen: Authorizing habitat mitigation banks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Hankins; Hatfield; Holmquist; Mielke; Morell; Reardon; Schindler; Skinner and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Vice Chairman; Edwards; Haigh; Jackley; Jarrett; Lovick; Murray; Ogden; Rockefeller; Romero; Simpson; Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 27, 2002

HB 2990 Prime Sponsor, Representative Schindler: Continuing transportation efficiencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Edwards; Haigh; Hatfield; Jackley; Jarrett; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Hankins; Holmquist; Mielke; Morell; Schindler; Skinner and Woods.

Voting yea: Representatives Fisher, Cooper, Edwards, Haigh, Hatfield, Jackley, Jarrett, Lovick, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting Nay: Representatives Mitchell, Anderson, Armstrong, Ericksen, Hankins, Holmquist, Mielke, Morell, Schindler, Skinner and Woods.

February 27, 2002

HB 2992 Prime Sponsor, Representative Kirby: Concerning the collection of transportation-related impact fees for residential construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Mielke; Morell; Reardon; Rockefeller; Schindler; Skinner; Sullivan and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Cooper, Vice Chairman; Edwards; Murray; Ogden; Romero; Simpson and Wood.

Voting yea: Representatives Fisher, Lovick, Mitchell, Anderson, Armstrong, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Reardon, Rockefeller, Schindler, Skinner, Sullivan and Woods.

Voting nay: Representatives Cooper, Edwards, Murray, Ogden, Romero, Simpson and Wood.

Passed to Committee on Rules for second reading.

February 27, 2002

HB 2995 Prime Sponsor, Representative Fisher: Allowing vehicle dealers to charge documentary service fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Lovick, Vice Chairman; Armstrong; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Morell; Murray; Ogden; Rockefeller; Romero; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Edwards; Mielke and Schindler.

Voting yea: Representatives Fisher, Cooper, Lovick, Armstrong, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

Voting Nay: Representatives Mitchell, Anderson, Edwards, Mielke and Schindler.

February 26, 2002

SB 5064 Prime Sponsor, Senator Prentice: Defining degrees of gambling cheating. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.46.196 and 1991 c 261 s 8 are each amended to read as follows:
(~~(No person participating in a gambling activity shall in the course of such participation, directly or indirectly~~) "Cheating," as used in this chapter, means to:

- (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;
- (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;
- (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator;
- (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

~~((Any person violating this section shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021-))~~

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

- (1) A person is guilty of cheating in the first degree if he or she engages in cheating and:
 - (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or
 - (b) Holds a license or similar permit issued by the state of Washington to conduct, manage, or act as an employee in an authorized gambling activity.
- (2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

- (1) A person is guilty of cheating in the second degree if he or she engages in cheating and his or her conduct does not constitute cheating in the first degree.
- (2) Cheating in the second degree is a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

Sec. 4. RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)

Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)

Leading Organized Crime (RCW 9A.82.060(1)(a))

Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))

Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)

Sexually Violent Predator Escape (RCW 9A.76.115)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)

Explosive devices prohibited (RCW 70.74.180)

Hit and Run--Death (RCW 46.52.020(4)(a))

Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)

Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))

Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Robbery 1 (RCW 9A.56.200)

Sexual Exploitation (RCW 9.68A.040)

Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)

Manslaughter 2 (RCW 9A.32.070)

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))

Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)

Promoting Prostitution 1 (RCW 9A.88.070)

Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

Theft of Anhydrous Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)

Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Cheating 1 (section 2 of this act)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Willful Failure to Return from Work Release (RCW 72.65.070)

- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)"

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ahern; Kagi and Kirby.

MINORITY recommendation: Without recommendation. Signed by Representatives Ballasiotes, Ranking Minority Member; Morell.

Voting yea: Representatives O'Brien, Lovick, Ahern, Kagi and Kirby.

Voting Nay: Representatives Ballasiotes and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 5097 Prime Sponsor, Senate Committee on State & Local Government: Requiring public entities to display the national league of families' POW/MIA flag. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott and Schmidt.

Voting Nay: Representative Schindler.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2002

2SSB 5104 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Using revenues under the county conservation futures levy. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Jackley; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck; Ericksen; Orcutt and Pearson.

Voting yea: Representatives Doumit, Rockefeller, Eickmeyer, Jackley, McDermott and Upthegrove.

Voting Nay: Representatives Sump, Buck, Ericksen, Orcutt and Pearson.

Referred to Committee on Finance.

February 28, 2002

E2SSB 5134 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Modifying provisions of the mobile home landlord-tenant act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 5188 Prime Sponsor, Senator McCaslin: Providing an alternative manner of dispersing surplus political funds. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 5207 Prime Sponsor, Senate Committee on Human Services & Corrections: Regulating DNA testing. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.02.010 and 1993 c 448 s 1 are each amended to read as follows:

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

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, residence, sex, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

- (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
- (b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care, including a patient's deoxyribonucleic acid and identified sequence of chemical base pairs. The term includes any record of disclosures of health care information.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(13) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program."

Correct the title.

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 5236 Prime Sponsor, Senate Committee on Human Services & Corrections: Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 6, on line 7 after "compensation." insert "The department shall provide support to the task force, including the production of the required report and travel reimbursements, within existing resources, unless private or other non-state funding can be secured."

On page 1, beginning on line 11, after "well-being." strike all material through "newborns." on line 17

Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Darneille; Dickerson; Miloscia and Nixon.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt, Ranking Minority Member; Morell.

Passed to Committee on Rules for second reading.

February 26, 2002

ESSB 5264 Prime Sponsor, Senate Committee on Ways & Means: Prohibiting public employers from misclassifying employees to avoid providing benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.44 RCW to read as follows:

The legislature intends that public employers be prohibited from misclassifying employees, or taking other action to avoid providing or continuing to provide employment-based benefits to which employees are entitled under state law or employer policies or collective bargaining agreements applicable to the employee's correct classification.

This act does not mandate that any public employer provide benefits to actual temporary, seasonal, or part-time employees beyond the benefits to which they are entitled under state law or employer policies or collective bargaining agreements applicable to the employee's correct classification. Public employers may determine eligibility rules for their own benefit plans and may exclude categories of workers such as "temporary" or "seasonal," so long as the definitions and eligibility rules are objective and applied on a consistent basis. Objective standards, such as control over the work and the length of the employment relationship, should determine whether a person is an employee who is entitled to employee benefits, rather than the arbitrary application of labels, such as "temporary" or "contractor." Common law standards should be used to determine whether a person is performing services as an employee, as a contractor, or as part of an agency relationship.

This act does not modify any statute or policy regarding the employment of: Public employee retirees who are hired for postretirement employment as provided for in chapter 41.26, 41.32, 41.35, or 41.40 RCW or who work as contractors; or enrolled students who receive employment as student employees or as part of their education or financial aid.

NEW SECTION. Sec. 2. A new section is added to chapter 49.44 RCW to read as follows:

(1) It is an unfair practice for any public employer to:

(a) Misclassify any employee to avoid providing or continuing to provide employment-based benefits; or

(b) Include any other language in a contract with an employee that requires the employee to forgo employment-based benefits.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Employee" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. This definition shall be interpreted consistent with common law.

(b) "Employment-based benefits" means any benefits to which employees are entitled under state law or employer policies or collective bargaining agreements applicable to the employee's correct classification.

(c) "Public employer" means: (i) Any unit of local government including, but not limited to, a county, city, town, municipal corporation, quasi-municipal corporation, or political subdivision; and (ii) the state, state institutions, and state agencies. This definition shall be interpreted consistent with common law.

(d) "Misclassify" and "misclassification" means to incorrectly classify or label a long-term public employee as "temporary," "leased," "contract," "seasonal," "intermittent," or "part-time," or to use a similar label that does not objectively describe the employee's actual work circumstances.

(3) An employee deeming himself or herself harmed in violation of subsection (1) of this section may bring a civil action in a court of competent jurisdiction.

NEW SECTION. Sec. 3. This act shall be construed liberally for the accomplishment of its purposes.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney; Lysen and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney, Lysen and McMorris.
Voting Nay: Representative Chandler.

Referred to Committee on Appropriations.

February 28, 2002

2ESSB 5291 Prime Sponsor, Senate Committee on Health & Long-Term Care: Requiring certain immunizations of staff and residents of long-term care facilities. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to ensure that long-term care facilities are safe.

- (1) The long-term care resident immunization act is intended to:
 - (a) Prevent and reduce the occurrence and severity of the influenza virus and pneumococcal disease by increasing the use of immunizations licensed by the food and drug administration;
 - (b) Avoid pain, suffering, and deaths that may result from the influenza virus and pneumococcal disease;
 - (c) Improve the well-being and quality of life of residents of long-term care facilities; and
 - (d) Reduce avoidable costs associated with treating the influenza virus and pneumococcal disease.
- (2) The legislature finds that:
 - (a) Recent studies show that it is important to immunize older citizens against the influenza virus and pneumococcal disease;
 - (b) The centers for disease control and prevention recommend individuals living in long-term care facilities and those over age sixty-five receive immunizations against the influenza virus and pneumococcal disease;
 - (c) The influenza virus and pneumococcal disease have been identified as leading causes of death for citizens over age sixty-five; and
 - (d) Immunizations licensed by the food and drug administration are readily available and effective in reducing and preventing the severity of the influenza virus and pneumococcal disease.

NEW SECTION. Sec. 2. A new section is added to chapter 74.42 RCW to read as follows:

- (1) Long-term care facilities shall:
 - (a) Provide access on-site or make available elsewhere for all residents to obtain the influenza virus immunization on an annual basis;
 - (b) Require that each resident, or the resident's legal representative, upon admission to the facility, be informed verbally and in writing of the benefits of receiving the influenza virus immunization and, if not previously immunized against pneumococcal disease, the benefits of the pneumococcal immunization.

(2) As used in this section, "long-term care facility" is limited to nursing homes licensed under chapter 18.51 RCW.

(3) The department of social and health services shall adopt rules to implement this section.

(4) This section and rules adopted under this section shall not apply to nursing homes conducted for those who rely exclusively upon treatment by nonmedical religious healing methods, including prayer.

NEW SECTION. **Sec. 3.** This act may be known and cited as the long-term care resident immunization act of 2002."

Correct the title.

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Ballasiotes; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Benson.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.

Voting Nay: Representatives Alexander and Benson.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 5329 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Allowing crime victims employment leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements, Chandler and McMorris.

Passed to Committee on Rules for second reading.

February 26, 2002

2SSB 5336 Prime Sponsor, Senate Committee on Ways & Means: Creating the public interest attorney loan repayment program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Gombosky, Lantz and Skinner.

Excused: Representative Dunn.

Referred to Committee on Appropriations.

February 28, 2002

SB 5352 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Referred to Committee on Appropriations.

February 28, 2002

2SSB 5354 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions:
Modifying mobile home relocation assistance. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 2, line 36, after "(1) A" insert "one hundred dollar"

Beginning on page 2, line 36, after "purchaser" strike everything through "price" on page 3,
line 1

On page 3, line 2, after "home" strike "five years" and insert "one year"

On page 3, line 6, after "than" strike "one" and insert "five"

Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Dunn, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt and Mielke.

Referred to Committee on Appropriations.

February 28, 2002

SSB 5369 Prime Sponsor, Senate Committee on Judiciary: Revising provisions for jurisdiction in child support matters. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

On page 14, after line 12 insert the following:

"**Sec. 9.** RCW 74.20A.080 and 2000 c 86 s 8 are each amended to read as follows:

(1) The secretary may issue to any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States, an order to withhold and deliver property of any kind, including but not restricted to earnings which are or might become due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision, department of the

state, or agency, subdivision, or instrumentality of the United States property which is or might become due, owing, or belonging to said debtor. Such order to withhold and deliver may be issued:

- (a) At any time, if a responsible parent's support order:
 - (i) Contains notice that withholding action may be taken against earnings, wages, or assets without further notice to the parent; or
 - (ii) Includes a statement that other income-withholding action under this chapter may be taken without further notice to the responsible parent;
 - (b) Twenty-one days after service of a notice of support debt under RCW 74.20A.040;
 - (c) Twenty-one days after service of a notice and finding of parental responsibility under RCW 74.20A.056;
 - (d) Twenty-one days after service of a notice of support owed under RCW 26.23.110;
 - (e) Twenty-one days after service of a notice and finding of financial responsibility under RCW 74.20A.055; or
 - (f) When appropriate under RCW 74.20A.270.
- (2) The order to withhold and deliver shall:
- (a) State the amount to be withheld on a periodic basis if the order to withhold and deliver is being served to secure payment of monthly current support;
 - (b) State the amount of the support debt accrued;
 - (c) State in summary the terms of RCW 74.20A.090 and 74.20A.100;
 - (d) Be served:
 - (i) In the manner prescribed for the service of a summons in a civil action;
 - (ii) By certified mail, return receipt requested;
 - (iii) By electronic means if there is an agreement between the secretary and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means; ~~((e))~~
 - (iv) By regular mail to a responsible parent's employer unless the division of child support reasonably believes that service of process in the manner prescribed in (d)(i) or (ii) of this subsection is required for initiating an action to ensure employer compliance with the withholding requirement; or
 - (v) By regular mail to an address if designated by the financial institution as a central levy or garnishment address, and if the notice is clearly identified as a levy or garnishment order. Before the division of child support may initiate an action for noncompliance with a withholding action against a financial institution, the division of child support must serve the order to withhold and deliver on the financial institution in the manner described in (d)(i) or (ii) of this subsection.
- (3) The division of child support may use uniform interstate withholding forms adopted by the United States department of health and human services to take withholding actions under this section when the responsible parent is owed money or property that is located in this state or in another state.
- (4) Any person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States upon whom service has been made is hereby required to:
- (a) Answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein; and
 - (b) Provide further and additional answers when requested by the secretary.
- (5) The returned answer or a payment remitted to the division of child support by the employer constitutes proof of service of the order to withhold and deliver in the case where the order was served by regular mail.
- (6) Any such person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States in possession of any property which may be subject to the claim of the department shall:
- (a)(i) Immediately withhold such property upon receipt of the order to withhold and deliver; and
 - (ii) Within seven working days deliver the property to the secretary;
 - (iii) Continue to withhold earnings payable to the debtor at each succeeding disbursement interval as provided for in RCW 74.20A.090, and deliver amounts withheld from earnings to the secretary within seven working days of the date earnings are payable to the debtor;

(iv) Deliver amounts withheld from periodic payments to the secretary within seven working days of the date the payments are payable to the debtor;

(v) Inform the secretary of the date the amounts were withheld as requested under this section;

or

(b) Furnish to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability.

(7) An order to withhold and deliver served under this section shall not expire until:

(a) Released in writing by the division of child support;

(b) Terminated by court order;

(c) A person or entity, other than an employer as defined in Title 50 RCW, who has received the order to withhold and deliver does not possess property of or owe money to the debtor; or

(d) An employer who has received the order to withhold and deliver no longer employs, contracts, or owes money to the debtor under a contract of employment, express or implied.

(8) Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision, or department of the state, or agency, subdivision, or instrumentality of the United States subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary.

(9) Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement and serve as full acquittance of the order to withhold and deliver.

(10) A person, firm, corporation, or association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States that complies with the order to withhold and deliver under this chapter is not civilly liable to the debtor for complying with the order to withhold and deliver under this chapter.

(11) The secretary may hold the money or property delivered under this section in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability.

(12) Exemptions contained in RCW 74.20A.090 apply to orders to withhold and deliver issued under this section.

(13) The secretary shall also, on or before the date of service of the order to withhold and deliver, mail or cause to be mailed a copy of the order to withhold and deliver to the debtor at the debtor's last known post office address, or, in the alternative, a copy of the order to withhold and deliver shall be served on the debtor in the same manner as a summons in a civil action on or before the date of service of the order or within two days thereafter. The copy of the order shall be mailed or served together with a concise explanation of the right to petition for judicial review. This requirement is not jurisdictional, but, if the copy is not mailed or served as in this section provided, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion on motion of the debtor promptly made and supported by affidavit showing that the debtor has suffered substantial injury due to the failure to mail the copy, may set aside the order to withhold and deliver and award to the debtor an amount equal to the damages resulting from the secretary's failure to serve on or mail to the debtor the copy.

(14) An order to withhold and deliver issued in accordance with this section has priority over any other wage assignment, garnishment, attachment, or other legal process.

(15) The division of child support shall notify any person, firm, corporation, association, or political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States required to withhold and deliver the earnings of a debtor under this action that they may deduct a processing fee from the remainder of the debtor's earnings, even if the remainder would otherwise be exempt under RCW 74.20A.090. The processing fee shall not exceed ten dollars for the first disbursement to the department and one dollar for each subsequent disbursement under the order to withhold and deliver."

Renumber the remaining section consecutively and correct the title.

On page 14, beginning on line 1, strike all material through "receipt." on line 12

Renumber the remaining section consecutively and correct the title.

Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell; Eickmeyer and Tokuda.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Carrell, Eickmeyer and Tokuda.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 5400 Prime Sponsor, Senate Committee on Economic Development & Telecommunications:
Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Referred to Committee on Capital Budget.

ESSB 5425 Prime Sponsor, Senate Committee on Environment, Energy & Water: Implementing notices and procedures regarding aerial application of pesticides to control plant pests. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 17.24.007 and 2000 c 100 s 6 are each amended to read as follows:

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

(1) "Department" means the state department of agriculture.

(2) "Director" means the director of the state department of agriculture or the director's designee.

(3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.

(4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.

(6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies

the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.

(7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.

(8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.

(9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).

(10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.

(12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.

(13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.

(14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.

(15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.

(16) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.

(17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees and those honey bees generally recognized to have undesirable behavioral characteristics such as or as found in Africanized honey bees.

(18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.

(19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

(21) "Large urban residential area" means that area lying within the incorporated boundaries of a city with a population of greater than one hundred thousand and the urban growth area contiguous to the city, and in which residential uses are a permitted or a conditional use.

(22) "Asian gypsy moth" means the Asian strain of the gypsy moth *Lymantria dispar*.

Sec. 2. RCW 15.58.065 and 1989 c 380 s 5 are each amended to read as follows:

(1) In submitting data required by this chapter, the applicant may:

(a) Mark clearly any portions which in the applicant's opinion are trade secrets or commercial or financial information; and

(b) Submit such marked material separately from other material required to be submitted under this chapter.

(2) Except under section 3 of this act and notwithstanding any other provision of this chapter or other law, the director shall not make public information which in the director's judgment should be

privileged or confidential because it contains or relates to trade secrets or commercial or financial information except that, when necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director when necessary under this chapter.

(3) Except under section 3 of this act, if the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, the director shall notify the applicant or registrant in writing, by certified mail. The director shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court of Thurston county for a declaratory judgment as to whether such information is subject to protection under subsection (2) of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 15.58 RCW, to be codified between RCW 15.58.065 and 15.58.070, to read as follows:

(1) When the director proposes to eradicate the Asian gypsy moth through the aerial application of pesticides within a large urban residential area as defined in RCW 17.24.007, the director shall consult with the department of health and with appropriate federal agencies concerning unpublished formulas of products acquired by authorization of this chapter for the purpose of obtaining an independent assessment of the possible human health risks associated with the proposed use.

(2) The director shall reveal to consulted agencies the confidential statement of formula for the purpose of assessing the possible human health risks associated with the proposed pesticide use by the department.

(3) Consulted agencies shall consider the confidential statement of formula, the proposed pesticide use, the impact on affected populations, and any other considerations that may bear on public health in making an assessment of the possible human health risks.

(4) The director shall make any independent assessment available to the public except that the names, chemical abstract service numbers, or other identifying characteristics or percentages of inert ingredients in a pesticide, and any other information that in the director's judgment should be confidential, shall not be disclosed. Additionally, any information or documents used in preparation of an independent assessment that pertain to the confidential statement of formula and any protected trade secret information shall not be disclosed to the public by any person.

(5) This section shall be in addition to and shall not limit the authority of the director under any other provision of law to release to the public information relating to pesticide formula, ingredients, or other information.

NEW SECTION. Sec. 4. A new section is added to chapter 17.24 RCW to read as follows:

When surveys and other measures detect the presence of the Asian gypsy moth within a large urban residential area, and when the aerial application of pesticides may be considered as a measure to eradicate the pest, the director shall provide public notice of the survey results and the alternatives for eradication measures. The director shall hold a public meeting within the area to provide information and to receive comments from the public on the survey results, and the alternatives for eradication measures. The director shall accept such comments for a period of thirty days from the date the public meeting is held, or a lesser period as the director determines if immediate action is required to implement eradication measures.

Sec. 5. RCW 17.24.171 and 1991 c 257 s 21 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, or economic well-being, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(~~((14))~~) (13). The director's findings shall contain an evaluation of the affect of the emergency measures on public health. When the requested measures include the aerial application of pesticides in a large urban residential area for the eradication of Asian gypsy moths, the findings shall also include a summary of

the information relied upon in determining the extent of the danger, the alternative measures considered, and, when applicable, the director's response to the public comments received under section 4 of this act.

(2) If an emergency is declared pursuant to RCW 43.06.010(~~((14))~~) (13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(~~((14))~~) (13) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural and silvicultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals or companies, or both, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) When emergency measures taken include the aerial application of pesticides in a large urban residential area for the eradication of Asian gypsy moths:

(a) The director shall implement procedures for notifying the community in the application area before each aerial application. The procedures shall include notifying individuals who request individual notice, and include notice to major employers and institutional facilities, including but not limited to schools, child care facilities, senior residential and day care facilities, health care facilities, and community centers; and

(b) The department of health, in consultation with the local health jurisdiction, shall monitor public health effects following the implementation of the measures in such areas.

(6) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

Sec. 6. RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a

felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural, silvicultural, or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides if such an aerial application is clearly the preferred alternative;

(14) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands."

Signed by Representatives Linville, Chair; Hunt, Vice Chair; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by: Representatives Schoesler; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.

Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Passed to Rules Committee for second reading.

February 28, 2002

SB 5478 Prime Sponsor, Senator Franklin: Reducing childhood lead exposure. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

On page 2, line 5, after "funds." insert "The department is not required to implement the public health lead hazard education project if federal funds are not obtained for this purpose in the biennium ending July 1, 2003."

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Alexander; Ballasiotes; Benson; Conway; Darneille; Edwards; Ruderman and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Alexander, Ballasiotes, Benson, Conway, Darneille, Edwards, Ruderman and Skinner.

Passed to Committee on Rules for second reading.

February 26, 2002

2SSB 5506 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions:
Regulating charitable gift annuity businesses. Reported by Committee on Financial
Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.38.020 and 1998 c 284 s 2 are each amended to read as follows:

(1) Upon granting to such insurer or institution under RCW 48.38.010 a certificate of exemption to conduct a charitable gift annuity business, the insurance commissioner shall require it to establish and maintain a separate reserve fund adequate to meet the future payments under its charitable gift annuity contracts.

(2) The assets of the separate reserve fund:

(a) Shall be held legally and physically segregated from the other assets of the certificate of exemption holder;

(b) Shall be invested in the same manner that persons of reasonable prudence, discretion, and intelligence exercise in the management of a like enterprise, not in regard to speculating but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Investments shall be of sufficient value, liquidity, and diversity to assure the insurer or institution's ability to meet its outstanding obligations; and

(c) Shall not be liable for any debts of the insurer or institution holding a certificate of exemption under this chapter, other than those incurred pursuant to the issuance of charitable gift annuities.

(3) The amount of the separate reserve fund shall be:

(a) For contracts issued prior to July 1, 1998, not less than an amount computed in accordance with the standard of valuation based on the 1971 individual annuity mortality table with six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity contracts;

(b) For contracts issued on or after July 1, 1998, in an amount not less than the aggregate reserves calculated according to the standards set forth in RCW 48.74.030 for other annuities with no cash settlement options;

(c) Plus a surplus of ten percent of the combined amounts under (a) and (b) of this subsection.

(4) The general assets of the insurer or institution holding a certificate of exemption under this chapter shall be liable for the payment of annuities to the extent that the separate reserve fund is inadequate.

(5) For any failure on its part to establish and maintain the separate reserve fund, the insurance commissioner shall revoke its certificate of exemption.

(6) If an institution holding a certificate of exemption under RCW 48.38.010 has purchased a single premium life annuity that pays the entire amount stipulated in the gift annuity agreement or agreements from an insurer (a) holding a certificate of authority under chapter 48.05 RCW, (b) licensed in the state in which the institution has its principle office, and (c) licensed in the state in which the single premium life annuity is issued, then in determining the minimum reserve fund that must be maintained under this section, a deduction shall be allowed from the minimum reserve fund in an amount not exceeding the reserve fund amount required for the annuity or annuities for which the single premium life annuity is purchased, subject to the following conditions:

(i) The institution has filed with the commissioner a copy of the single premium life annuity purchased and specifying which charitable gift annuity or annuities are being insured; and

(ii) The institution has entered into a written agreement with the annuitant and the insurer issuing the single premium life annuity providing that if for any reason the institution is unable to continue making the annuity payments required by its annuity agreements, the annuitants shall receive payments directly from the insurer and the insurer shall be credited with all of these direct payments in the accounts between the insurer and the institution."

On page 1, line 2 of the title, after "business;" strike the remainder of the title and insert "and amending RCW 48.38.020."

Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 28, 2002

2ESSB 5522 Prime Sponsor, Senate Committee on Human Services & Corrections: Creating an office of mental health ombudsman. Reported by Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in order to comply with the community mental health services act, chapter 71.24 RCW, and the medicaid managed care mental health waiver, and to effectively assist persons with mental illness and consumers of mental health services in the assertion of their civil and human rights, and to improve the quality of services available and promote the rehabilitation, recovery, and reintegration of these persons, an independent mental health ombudsman program should be instituted.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of community, trade, and economic development.
- (2) "Immediate family member", as pertaining to conflicts of interest, means the spouse, parents, children, and siblings of the mental health ombudsman.
- (3) "Mental health consumer" or "consumer" means any individual who is a current or past client, patient, or resident of a mental health provider or facility, or an applicant for such mental health services.
- (4) "Mental health ombudsman" or "ombudsman" means the state mental health ombudsman, regional mental health ombudsmen, staff of the state and regional mental health ombudsmen, certified volunteer mental health ombudsmen, and quality review team members. A mental health ombudsman shall not be considered to be a mental health provider.
- (5) "Mental health provider or facility" means any of the following:
 - (a) An agency, individual, or facility that is part of the community mental health service delivery system, as defined in RCW 71.24.025;
 - (b) An evaluation and treatment facility, as defined in RCW 71.05.020 or 71.34.020;
 - (c) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with mental illness reside;
 - (d) A state hospital, as defined in RCW 72.23.010; and
 - (e) A facility or agency that receives funds from the state of Washington to provide residential or treatment services to adults or children with mental illness.
- (6) "Office" means the office of the state mental health ombudsman.
- (7) "Quality review team" means two or more individuals who assess the quality of services delivered by mental health providers or facilities, provide recommendations for changes in services, and perform other tasks consistent with the intent of this chapter.

NEW SECTION. Sec. 3. (1) The office of the state mental health ombudsman is hereby created. The office shall be headed by an individual known as the state mental health ombudsman,

who shall be selected from among individuals with expertise and experience in the fields of mental health services, policy, and advocacy. The office shall carry out, directly and through the use of mental health ombudsmen and quality review teams, an independent statewide program known as the state mental health ombudsman program.

(2) The department of community, trade, and economic development shall contract with a private nonprofit organization to operate the office of the state mental health ombudsman and to provide, directly or through subcontracts, mental health ombudsman services as specified under, and consistent with, the medicaid managed care mental health waiver, state law, the goals of the state, and the needs of its residents. The organization that operates the office of the state mental health ombudsman shall select the individual to serve as the state mental health ombudsman, with opportunity for prior stakeholder input, and shall revoke the designation only upon a showing of neglect of duty, misconduct, or inability to perform duties. The department shall ensure that all program and staff support necessary to enable the mental health ombudsman program to protect the interests of persons with mental illness is provided, directly or through subcontracts, by the organization that operates the office of the state mental health ombudsman. The contracting organization and the office shall not be considered to be state agencies or departments, but instead shall be private entities operating under contract with the state.

(3) The department shall designate by a competitive bidding process the organization that will contract to operate the office of the state mental health ombudsman. The selection process shall include direct stakeholder participation in the development of the request for proposal, evaluation of bids, and final selection. The department shall ensure that the designated organization is free from conflicts of interest and has the demonstrated capacity to ensure that the responsibilities of the office of the state mental health ombudsman are carried out. The department shall undertake an annual review of the designated organization to ensure compliance with the provisions of the contract. The department shall not revoke the designation of the organization operating the office of the state mental health ombudsman except upon a showing of neglect of duty, misconduct, or inability to perform duties. Prior to revoking the designation, the department shall provide notice and an opportunity for the organization, the state ombudsman, and the public to comment upon the proposed revocation, and shall provide the organization an opportunity to appeal the decision to the director of the department.

(4) The department shall adopt rules to carry out this chapter.

NEW SECTION. Sec. 4. The office of state mental health ombudsman shall have the following powers and duties:

(1) Establish appropriate procedures: For access by mental health ombudsmen to all mental health consumers, consistent with section 13 of this act; for ombudsman access to the records of mental health consumers, with provisions to ensure confidentiality, consistent with sections 13 and 14 of this act; and for the protection of the ombudsman program's records and files, consistent with section 14 of this act;

(2) Maintain a statewide toll-free telephone number for the receipt of complaints and inquiries;

(3) Offer and provide services to assist mental health consumers and their representatives in order to assist in protecting the health, safety, welfare, and rights of mental health consumers;

(4) Offer and provide information as appropriate to mental health consumers, family members, guardians and other representatives, employees of mental health providers and facilities, and others regarding the rights of mental health consumers;

(5) Identify, investigate, and resolve complaints made by or on behalf of mental health consumers that relate to action, inaction, or decisions which:

(a) May adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, or rights of mental health consumers; and

(b) Involve a mental health provider or facility; a regulatory, governmental, health, or social service agency; a guardian or other representative; a family member; or another mental health consumer, friend, or associate;

(6) Support and encourage mental health consumer participation in treatment planning, delivery, and complaint resolution, both on an individual basis and systemwide, and recruit and support the participation of family members of the mental health consumer, close friends, and guardians and

other representatives in the consumer's treatment and complaint resolution, unless the mental health consumer expressly objects to such participation;

(7) Represent the interests of mental health consumers before governmental agencies, and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of mental health consumers;

(8) Monitor the development and implementation of federal, state, and local laws, regulations, and policies with respect to mental health services in this state, and provide information that the office of the state mental health ombudsman determines to be appropriate to the public, legislators, public and private agencies, and other persons;

(9) Provide for the training, certification, and decertification for good cause, of paid and volunteer mental health ombudsmen. Paid mental health ombudsmen shall recruit, supervise, and provide ongoing training of certified volunteer mental health ombudsmen, in accordance with the policies and procedures established by the office of the state mental health ombudsman;

(10) Where necessary to fulfill the purposes of this chapter, subcontract with nonprofit organizations or individuals to perform the functions of mental health ombudsman, provided however, that the state office shall provide services for coordinating the activities of mental health ombudsmen throughout the state;

(11) Establish a statewide uniform reporting system to collect and analyze data relating to complaints, conditions, and service quality provided by mental health providers and facilities, jails, and correctional facilities, for the purpose of identifying and resolving significant individual problems and analyzing, developing, and advocating remedies in policy, practice, rule, or legislation for systemic problems, with provision for submission of such data to relevant agencies and entities on at least an annual basis, as specified in sections 9 and 10 of this act. This reporting system must be compatible with uniform child and adult consumer service outcomes, where such outcome measures are established; and

(12) Carry out such other activities as the department deems appropriate.

NEW SECTION. Sec. 5. All mental health ombudsmen must receive certification by the state mental health ombudsman and have training or experience in the following areas prior to serving as mental health ombudsmen:

- (1) Mental health programs, other related social services programs, and community resources;
- (2) Mental health diagnoses, care, and treatment approaches;
- (3) Advocacy and supporting consumer self-advocacy;
- (4) The legal system; and
- (5) Dispute resolution techniques, including investigation, mediation, and negotiation.

NEW SECTION. Sec. 6. (1) All mental health ombudsmen must be free from conflicts of interest, including:

(a) No mental health ombudsman shall have been employed by, or participated in the management of, a regional support network or any mental health provider or facility within the past year, except where prior to the effective date of this act he or she has been employed by or volunteered for a regional support network, subcontractor thereof, or a state hospital to provide mental health ombudsman or quality review team services pursuant to the requirements of the federal medicaid managed care mental health waiver. The office of the state mental health ombudsman shall actively recruit persons who provided ombudsman services through a regional support network, subcontractor thereof, or state hospital;

(b) No mental health ombudsman or any member of his or her immediate family may have, or have had within the past year, any significant ownership or investment interest in the provision of mental health services or in a mental health provider or facility;

(c) No mental health ombudsman shall have been employed in a governmental position with direct involvement in the licensing, certification, or regulation of a mental health provider or facility within the past year; and

(d) No mental health ombudsman shall be assigned to a mental health facility in which a member of that ombudsman's immediate family resides.

(2) No individual, or immediate family member of such an individual, who is involved in the designation or removal of the state mental health ombudsman, or the designation or revocation of the contractor or subcontractors, or who administers the contractor's or subcontractor's contract, may be an official or employee with responsibility for the licensing, certification, or regulation of mental health providers or facilities or may be employed by, own, operate, or manage mental health providers or facilities.

NEW SECTION. Sec. 7. (1) Mental health ombudsmen shall act in accordance with the policies and procedures established by the office of the state mental health ombudsman, and shall have the following authority and duties:

(a) Offer and provide services to assist mental health consumers and their representatives in order to assist in protecting the health, safety, welfare, and rights of mental health consumers;

(b) Offer and provide information as appropriate to mental health consumers, family members of mental health consumers, guardians and other representatives, employees of mental health providers and facilities, and others regarding the rights of mental health consumers;

(c) Identify, investigate, and resolve complaints made by or on behalf of mental health consumers that relate to action, inaction, or decisions which:

(i) May adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, or rights of mental health consumers; and

(ii) Involve a mental health provider or facility; a regulatory, governmental, health, or social service agency; a guardian or other representative; a family member; or another mental health consumer, friend, or associate;

(d) Support and encourage mental health consumer participation in treatment planning, delivery, and complaint resolution, both on an individual basis and systemwide, and recruit and support the participation of family members, close friends, guardians, and other representatives in the consumer's treatment and complaint resolution, unless the mental health consumer expressly objects to such participation;

(e) Represent the interests of mental health consumers before governmental agencies, and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of mental health consumers; and

(f) Perform other duties assigned by the office of the state mental health ombudsman or its subcontractors, consistent with the purposes of this chapter.

(2) Mental health ombudsmen shall attempt to resolve complaints informally and at the lowest level possible, using direct discussion with care providers and personnel, complaint and grievance processes, and the fair hearing process if applicable, unless such avenues appear to be futile, not feasible, or not in the best interest of the mental health consumer.

NEW SECTION. Sec. 8. (1) Quality review team members must be certified mental health ombudsmen. In addition to their authority and duties under section 7 of this act, quality review team members, in accordance with the policies and procedures established by the office of the state mental health ombudsman, shall have the following authority and duties:

(a) Assess the quality of services provided by mental health providers and facilities;

(b) Survey the satisfaction of mental health consumers and family members with the services provided to them;

(c) Provide written recommendations on at least an annual basis to the office of the state mental health ombudsman and its subcontractors regarding changes that would improve the quality of services to mental health consumers;

(d) Provide written recommendations on at least an annual basis to mental health providers and facilities, regional support networks, the mental health division of the department of social and health services, and others for improvements in the quality of services to mental health consumers;

(e) Advocate for the adoption of recommended improvements and then monitor the implementation of any changes; and

(f) Perform other duties assigned by the office of the state mental health ombudsman or its subcontractors, consistent with the purposes of this chapter.

(2) Quality review teams, in accordance with policies and procedures established by the office of the state mental health ombudsman, shall define, establish, and measure systemic mental health consumer outcomes and shall report on the systemic causes of access barriers and service problems encountered by mental health consumers.

NEW SECTION. Sec. 9. (1) The office of the state mental health ombudsman shall provide information relevant to the quality of mental health services, and recommendations for improvements in the quality of mental health services, to regional support networks and the mental health division of the department of social and health services.

(2) The mental health division and the regional support networks shall work in cooperation with the office of the state mental health ombudsman to develop agreements regarding how this quality information will be incorporated into their quality management systems. These agreements must ensure that information related to complaints and grievances conforms to a standardized form.

(3) The office of the state mental health ombudsman shall ensure that its reports and recommendations are broadly distributed and shall report annually regarding its activities, findings, and recommendations to at least the following entities: The mental health division, the mental health advisory board, the state long-term care ombudsman, the state family and children's ombudsman, the state designated protection and advocacy system, the department of community, trade, and economic development, regional support networks, and mental health advocacy groups.

(4) Regional support networks and the mental health division shall promptly provide the office of the state mental health ombudsman with demographic information they possess regarding the diversity of individuals applying for, receiving, and denied services in each region, service utilization information, contract and subcontract requirements, the results of all audits and reviews conducted by the regional support networks or the mental health division, and such other information collected or produced by the regional support networks or the mental health division as may be necessary for mental health ombudsmen, including quality review team members, in the performance of their duties.

(5) Regional support networks and the mental health division shall assist mental health ombudsmen in obtaining entry and meaningful access to mental health providers and facilities, cooperation from their staff, and access to mental health consumers.

(6) Each regional support network and state hospital shall designate at least one liaison to the office of the state mental health ombudsman who shall be responsible for ensuring that mental health ombudsmen are actively included in quality management planning and assessment, for providing assistance in resolving issues regarding access to information and mental health consumers, and for resolving individual and systemic issues where requested by the mental health ombudsman or quality review team.

(7) Regional support networks, state hospitals, and their subcontractors shall respond in writing to all written recommendations regarding quality improvement made by the office of the state mental health ombudsman or by quality review teams within thirty days of issuance, and shall identify what action will be taken in response, and if no action or action other than that which was recommended is taken, the reasons for the variance must be explained in writing.

NEW SECTION. Sec. 10. The office of the state mental health ombudsman shall provide the legislature with an annual report that includes:

(1) An identification of the demographic status of those served by the mental health ombudsman program;

(2) A description of the issues addressed during the past year and a brief description of case scenarios in a form that does not compromise confidentiality;

(3) An accounting of the monitoring activities by the mental health ombudsman program;

(4) An identification of the results of measurements of consumer satisfaction and other outcome measures;

(5) An identification of the numbers of certified volunteer mental health ombudsmen;

(6) An identification of deficiencies in the mental health service system and recommendations for remedial action in policy or practice;

(7) Recommendations for regulatory action by agencies that would improve the quality of service to individuals with mental illness; and

(8) Recommendations for legislative action that would result in improved services to individuals with mental illness.

NEW SECTION. Sec. 11. Every mental health provider and facility shall post in a conspicuous location a notice providing the office of the state mental health ombudsman's toll-free number, and the name, address, and phone number of the office of the appropriate local mental health ombudsman if any and quality review team, and a brief description of the services provided. The form of the notice must be approved by the office of the state mental health ombudsman. This information must also be distributed to mental health consumers, their legal guardians or representatives, and family members of mental health consumers if appropriate, upon application for mental health provider services and upon admission to a mental health facility.

NEW SECTION. Sec. 12. (1) The office of the state mental health ombudsman shall develop referral procedures for mental health ombudsmen to refer appropriate complaints to state or local government agencies, consistent with the confidentiality provisions of this chapter. The state and local agencies shall act promptly on any complaint referred to them by a mental health ombudsman.

(2) The department of social and health services shall respond to any complaint against a mental health provider or facility referred to it by a mental health ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

(3) The office of the state mental health ombudsman, and its subcontractors if any, shall work in cooperation with the state designated protection and advocacy agency, the long-term care ombudsman program, and the office of children and family ombudsman. The office of the state mental health ombudsman shall develop and implement working agreements with these advocacy organizations to ensure efficient, coordinated services.

(4) The office of the state mental health ombudsman shall develop and implement working agreements with each regional support network, the state psychiatric hospitals, the mental health division, and such other entities as necessary to accomplish the purposes of this chapter.

NEW SECTION. Sec. 13. (1) The office of the state mental health ombudsman shall develop appropriate procedures governing the right of entry of all mental health ombudsmen, including quality team review members, to mental health providers and facilities, jails, and correctional facilities, for the purpose of carrying out the provisions of this chapter.

(2) Mental health ombudsmen, including quality review team members, shall have private access to all mental health consumers at any time deemed necessary and reasonable by the office of the state mental health ombudsman to effectively carry out the provisions of this chapter. Mental health ombudsmen shall be provided access to all mental health consumers receiving or seeking services from mental health providers or facilities, and to detainees and inmates of jails and correctional facilities who have a mental illness, with provisions made for privacy, for the purposes of providing information, hearing, investigating, and resolving complaints, and monitoring the quality of mental health services. Access shall be deemed necessary and reasonable during a facility's regular visiting hours, other periods the facility or provider is open to the public, and any other time access may be required by the particular complaint or condition to be monitored or investigated. Mental health ombudsmen seeking access to jails, juvenile detention facilities, and correctional facilities must successfully pass a criminal history background check as provided by chapter 43.43 RCW.

(3) Nothing in this chapter restricts any right or privilege of a mental health consumer to receive visitors of his or her choice. Nothing in this chapter restricts, limits, or increases any existing right of an organization or individual not described in subsections (1) and (2) of this section to enter or provide assistance to mental health consumers.

(4) Ombudsmen shall be permitted to review and copy the medical, social, and mental health records of a mental health consumer if:

(a) The ombudsman has the written permission of the mental health consumer or the representative of the consumer;

(b) The mental health consumer is unable to give informed consent to the review and has no representative; or

(c) The representative of an incapacitated mental health consumer refuses to give permission, the ombudsman reasonably believes the representative is not acting in the consumer's best interest, and the ombudsman receives prior written approval from the state mental health ombudsman or his or her designee.

(5) Mental health ombudsmen shall be given prompt and timely access to the mental health consumer's records, which in no case shall be longer than the time period governing the consumer's access to his or her records from the mental health provider or facility. The mental health provider or facility cannot refuse access to records to the ombudsman on the basis that it is medically contraindicated or for similar grounds. The identities of other patients, clients, residents, or mental health consumers, if contained in the records of the mental health consumer to which the ombudsman has access, shall be redacted prior to review by the ombudsman, if permission is not obtained by the ombudsman from these individuals.

(6) The provisions of this section apply to accessing the records of detainees and inmates of jails and correctional facilities who have a mental illness.

(7) The office of the state mental health ombudsman shall have timely access to, and copies when requested of, the licensing and certification records maintained by the state with respect to mental health providers and facilities.

(8) For any copies obtained under this section, the ombudsman may be charged a reasonable rate, which for public agencies or facilities may not exceed the copying rate adopted under the public disclosure laws, and for private facilities and providers may not exceed the rate charged by commercial copy centers in the community.

NEW SECTION. Sec. 14. (1) All records and files, and the information therein, maintained by the mental health ombudsman program shall remain confidential. Any disclosure of ombudsman program records or files is subject to both of the following provisions:

(a) No disclosure may be made without the prior approval of the state mental health ombudsman or his or her designee, provided however, that requests to the ombudsman program by mental health consumers or their representatives for assistance in obtaining service or better service, or to file a complaint, may be communicated directly by the mental health ombudsman to the mental health provider or facility or oversight entity, without requiring prior approval of the state ombudsman; and

(b) No disclosure of the identity or identifying information regarding a mental health consumer, complainant, or witness shall be made unless that individual or his or her representative consents in writing to the disclosure, or disclosure is authorized by court order.

(2) Statistics, aggregate data, nonidentifying information and case studies, and analysis may be disclosed at the discretion of the state mental health ombudsman or his or her designee.

(3) All communications by a mental health ombudsman, if done in good faith and reasonably related to the requirements of the ombudsman's responsibilities under this chapter, are privileged, and that privilege shall serve as a defense to any action in libel or slander.

(4) All mental health ombudsmen are exempt from being required to testify in any judicial or administrative proceeding as to any confidential matters or records, except as a court may deem necessary to enforce this chapter.

(5) In monitoring the office of the state mental health ombudsman and its subcontractors, access to the ombudsman program's files and records, minus identifying information regarding any mental health consumer, complainant, or witness, shall be available to the director or one senior manager of the department or the contracting or subcontracting organization in which the state or local ombudsman office is administratively located. The individuals who perform the monitoring function must have no conflict of interest, as provided in section 6 of this act.

NEW SECTION. Sec. 15. (1) It is unlawful to willfully interfere with a mental health ombudsman in the performance of his or her duties under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of a mental health provider or facility, an employee of a jail or correctional facility, an employee of a public, health, or social service agency, or a mental health consumer or family member, for any communication made, or information given or disclosed, to aid a mental health ombudsman in carrying out his or her duties under this chapter. This prohibition does not apply to communications or false information provided maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for permissible reasons.

NEW SECTION. **Sec. 16.** (1) It is the intent of the legislature that the state mental health ombudsman program make reasonable efforts to maintain and improve the current level and quality of mental health ombudsman services, taking into account the transition period from the current system of ombudsman programs and quality review teams within the regional support networks and state hospitals.

(2) It is the intent of the legislature that federal medicaid requirements be complied with and the department of community, trade, and economic development expend no more than the amount currently expended on mental health ombudsman services and quality review team services by regional support networks and state hospitals and their subcontractors, including related administrative costs, pursuant to contracts with the department of social and health services, to establish the mental health ombudsman program established by this chapter, and the amount annually expended by the mental health division in staff support, monitoring, oversight, and subcontracted training and consultation for community mental health ombudsman and quality review team services and state hospital mental health patient advocate or ombudsman services, except to the extent that additional funds are appropriated by the legislature, for the first two years after the enactment of this act.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 18.** This act takes effect July 1, 2003.

NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Campbell, Conway, Darneille, Edwards and Ruderman.

Voting Nay: Representatives Alexander, Ballasiotes, Benson and Skinner.

Referred to Committee on Appropriations.

February 27, 2002

SSB 5543 Prime Sponsor, Senate Committee on Education: Improving student safety. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Following the tragic events of September 11, 2001, the government's primary role in protecting the health, safety, and well-being of its citizens has been underscored. The legislature recognizes that there is a need to focus on the development and implementation of comprehensive safe school plans for each public school. The legislature recognizes that comprehensive safe school plans for each public school are an integral part of rebuilding public confidence. In developing these plans, the legislature finds that a coordinated effort is essential to ensure the most effective response to any type of emergency. Further, the legislature recognizes that comprehensive safe school plans for each public school are of paramount importance and will help to assure students, parents, guardians, school employees, and school administrators that our schools provide the safest possible learning environment.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By June 1, 2002, within existing resources, the superintendent of public instruction, in consultation with representatives from the emergency management division of the state military department, educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, the Washington association of sheriffs and police chiefs, and others as determined by the superintendent, shall provide guidance to school districts in developing comprehensive safe school plans for each school. This guidance shall include, but shall not be limited to, a comprehensive school safety checklist to use as a tool when developing their own individual comprehensive safe school plans, and successful models of comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and postcrisis recovery.

(2) Schools and school districts shall consider the guidance, including the comprehensive school safety checklist and the model comprehensive safe school plans, when developing their own individual comprehensive safe school plans.

(3) The superintendent of public instruction, in consultation with school district superintendents, shall establish timelines for school districts to develop individual comprehensive safe school plans. The superintendent of public instruction shall require school districts to periodically report progress on their comprehensive safe school plans.

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

(1) The superintendent of public instruction, in consultation with the fire protection bureau of the Washington state patrol and the emergency management division of the state military department, shall adopt rules that are applicable to public schools so that in case of emergency, students and staff shall be able to take appropriate action as the emergency demands. The rules shall be published and distributed to certificated and classified personnel throughout the state.

(2) The rules in subsection (1) of this section may establish the type and frequency of drills that school districts shall conduct.

Sec. 4. RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

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

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

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as

provided for in subsection (1) (~~above~~) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4)(a) The state board of education shall adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter.

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

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

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

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

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

(9) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

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

~~(11) (By rule or regulation promulgated upon the advice of the chief of the Washington state patrol, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.~~

~~(12))~~ Hear and decide appeals as otherwise provided by law.

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

Sec. 5. RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001 c 70 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, the public disclosure of which would have a substantial likelihood of threatening public safety.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa) Information included within the development of the comprehensive safe school plans developed according to section 2 of this act, and school safety risk assessments to the extent that they identify specific vulnerabilities of school districts and each individual school.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such

records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. **Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 7.** (1) Sections 2 and 5 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 3 and 4 of this act take effect September 1, 2002."

Correct the title.

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting Nay: Representative Schindler.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 5594 Prime Sponsor, Senator Gardner: Consolidating housing authorities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Dunn, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Crouse and Mielke.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 5624 Prime Sponsor, Senator Kohl-Welles: Requiring disclosure of fire protection and building safety information. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 3, line 7, after "(b)" insert "The information required under this subsection may be provided to a tenant in a multifamily residential building either as a written notice or as a checklist that

discloses whether the building has fire safety and protection devices and systems. The checklist shall include a diagram showing the emergency evacuation routes for the occupants.

(c)"

On page 3, line 7, after "notice" insert "or checklist"

Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; DeBolt; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse and Mielke.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, DeBolt, Dunn, Hatfield, Kirby and Sullivan.

Voting nay: Representatives Crouse and Mielke.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 5683 Prime Sponsor, Senator Horn: Adding an ex officio member to the building code council.

Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 2, line 11, after "protection;" insert "one member who is a local government or fire protection district fire fighter;"

Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt; Dunn and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Hatfield, Kirby and Sullivan.

Voting Nay: Representatives Mulliken, Crouse, DeBolt, Dunn and Mielke.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Youth court" means an alternative method of hearing and disposing of traffic infractions for juveniles age sixteen or seventeen.

NEW SECTION. Sec. 2. (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over traffic infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court, a juvenile:

(a) May not have had a prior traffic infraction referred to a youth court;

(b) May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW;

(c) May not have any convictions for a violation of any provision of Title 46 RCW; and

(d) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

NEW SECTION. Sec. 3. (1) A youth court agreement shall be a contract between a juvenile accused of a traffic infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. In determining the amount of the monetary penalty, the youth court shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the monetary penalty. The youth court shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the monetary penalty to be imposed. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(6), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in section 2 of this act, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or

whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

NEW SECTION. Sec. 4. Youth courts provide a disposition method for cases involving juveniles alleged to have committed traffic infractions, in which participants, under the supervision of the court, may serve in various capacities within the youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youth courts have no jurisdiction except as provided for in this chapter. Youth courts are not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 5. The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target youth ages sixteen and seventeen who are alleged to have committed a traffic infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. Sec. 6. A court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the court. The fees collected

under this section shall not constitute "certain costs" as defined in RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 7. RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

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

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 8. RCW 13.40.080 and 1999 c 91 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a ~~((diversionary))~~ diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by ~~((the))~~ any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the ~~((diversionary))~~ diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of ~~((the))~~ any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 14 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the ~~((diversionary))~~ diversion unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to ~~((the))~~ a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Divertees and potential divertees shall be afforded due process in all contacts with a ~~((diversionary))~~ diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((10))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall

be obtained from the juvenile, and the document shall be maintained by the ~~((diversionary))~~ diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((11))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((12))~~ (13) A ~~((diversionary))~~ diversion unit may refuse to enter into a diversion agreement with a juvenile. When a ~~((diversionary))~~ diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The ~~((diversionary))~~ diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((13))~~ (14) A ~~((diversionary))~~ diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection ~~((shall))~~ includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a ~~((diversionary))~~ diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((14))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((15))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((16))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 13.40 RCW to read as follows:

Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no

jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

- (a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;
- (b) Target offenders age eight through seventeen; and
- (c) Emphasize the following principles:
 - (i) Youth must be held accountable for their problem behavior;
 - (ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;
 - (iii) Youth must develop skills to resolve problems with their peers more effectively; and
 - (iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

NEW SECTION. Sec. 11. A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth courts have authority over juveniles ages eight through seventeen who:

- (a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;
 - (b) Admit they have committed the offense they are referred for;
 - (c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and
 - (d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.
- (2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.
- (3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.
- (4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.
- (5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 12. A new section is added to chapter 13.40 RCW to read as follows:

Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

NEW SECTION. Sec. 13. A new section is added to chapter 13.40 RCW to read as follows:

Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

NEW SECTION. Sec. 14. A new section is added to chapter 13.40 RCW to read as follows:

- (1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:
- (a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;
 - (b) Providing periodic reports to the youth court;

- (c) Participating in mentoring programs;
- (d) Serving as a participant in future youth court proceedings;
- (e) Writing apology letters; or
- (f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

NEW SECTION. **Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

Sec. 16. RCW 9.94A.850 and 2000 c 28 s 41 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the

application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules

and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

- (1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;
- (2) Target violations of school rules by students enrolled in public or private school; and
- (3) Emphasize the following principles:
 - (a) Youth must be held accountable for their problem behavior;
 - (b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;
 - (c) Youth must develop skills to resolve problems with their peers more effectively; and
 - (d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. Sec. 18. A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in section 1 of this act or RCW 13.40.020 or a student court pursuant to section 17 of this act.

Sec. 19. RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 14 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

Sec. 20. RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may refer juveniles age sixteen or seventeen who are enrolled in school to a youth court, as defined in section 1 of this act or RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

NEW SECTION. **Sec. 21.** Sections 1 through 6 of this act constitute a new chapter in Title 3 RCW."

Correct the title.

Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.

Voting Nay: Representative Carrell.

Passed to Committee on Appropriations.

February 28, 2002

SB 5694 Prime Sponsor, Senator Winsley: Establishing a certification program for mobile home park managers. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this chapter is to establish a certification program for managers of mobile home parks.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory council" means the advisory council on mobile home park manager training and certification created in section 7 of this act.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Mobile home park" has the same meaning as in RCW 59.20.030.

(5) "Mobile home park management" means those actions, functions, or duties related to the management of a mobile home park.

(6) "Mobile home park manager" means a person who performs mobile home park management duties and is required to be certified under this chapter to perform mobile home park management services and does not include resident owners of mobile home parks who perform management duties.

NEW SECTION. **Sec. 3.** (1) A person will not manage a mobile home park in this state for any mobile home park with more than twenty-five mobile home lots until a certificate of registration certifying him or her as a mobile home park manager has been issued to him or her by the director in accordance with this chapter, except that a person initially employed as a park manager after the effective date of this section may be employed in that capacity for no more than one hundred eighty days following commencement of employment. At the end of that ninety-day period, the park manager must have attained certification in accordance with this chapter or immediately cease their employment.

(2) A corporation, partnership, trust, association, sole proprietor, or other like organization may own or operate a mobile home park or engage in the business of mobile home park management without being certified if it employs, retains, or contracts with certified natural persons who are registered mobile home park managers subject to this chapter.

NEW SECTION. Sec. 4. (1) The director will not issue an initial certificate of registration to any person to act as a mobile home park manager until that person has:

(a) Executed a written application on a form prescribed by the director, subscribed and sworn to by the applicant;

(b) Attended and completed a department-approved training course for mobile home park managers;

(c) Passed an examination approved by the department which demonstrates that the applicant has a fundamental knowledge of the manufactured/mobile home landlord-tenant act under chapter 59.20 RCW; and

(d) Paid to the director a fee authorized in section 8 of this act.

(2) Certificates of registration are effective on the date issued by the department and must be renewed every two years.

(3) A certificate of registration may be renewed annually provided the applicant provides evidence of continuing education as approved by the department. This evidence must be submitted with an application to renew certification. A maximum of eight hours of continuing education biennially may be required by the department for renewal of certification.

(4) As of the effective date of this section, mobile home park managers may present a verification of having successfully completed a training course conducted by a statewide trade association of mobile home park owners, which will satisfy the initial training requirement for one year and entitle the park manager to certification for that year.

NEW SECTION. Sec. 5. The department will contract with a statewide trade association exclusively representing mobile home park owners for the delivery of training courses required by this chapter. Training courses shall be made available within ninety days after the effective date of this section. The trade association may charge a fee for delivery of the training courses. The department, in consultation with the advisory council, will approve the curriculum of the training program.

NEW SECTION. Sec. 6. (1) The department, in consultation with the advisory council, will administer, coordinate, and enforce this chapter, develop the examination of applicants, and be responsible for the granting of certificates to qualified persons.

(2) The department is authorized to adopt rules that are necessary to implement, enforce, and interpret this chapter.

NEW SECTION. Sec. 7. (1) There is created an advisory council on mobile home park manager training and certification. The council consists of five members as follows: Two members of the council must be residents of mobile home parks; two members must be owners of mobile home parks; and one member must be the director or the director's designee, who serves as the chair of the council and is a nonvoting member. The resident members of the council must be selected from nominees submitted by organizations that represent mobile home owners. The park owner members of the council must be selected from nominees submitted by the manufacturing housing communities of Washington. The director will appoint the members for terms of two years.

(2) Members of the council will serve without compensation but are entitled to receive reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The functions of the advisory council are to:

(a) Review, evaluate, and advise the department concerning revisions and adoption of rules affecting certification of mobile home park managers and the fees to be charged under section 8 of this act; and

(b) Develop, review, revise, and approve, in consultation with the department, the program for certification of mobile home park managers.

(4) The advisory council will meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as are prescribed by rule.

(5) The department will provide adequate staff support to the advisory council to assist it in fulfilling its duties.

NEW SECTION. **Sec. 8.** The department may charge reasonable fees for services under this chapter that include, but are not limited to, the initial application fee, an application renewal fee, and fees for manager certification training costs. These fees are not intended to exceed the cost of providing the service under this chapter.

NEW SECTION. **Sec. 9.** Sections 3 and 4 of this act take effect January 1, 2003.

NEW SECTION. **Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act constitute a new chapter in Title 18 RCW."

Correct the title.

Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Berkey; Dunn; Hatfield; Kirby and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Mulliken, Ranking Minority Member; Crouse; DeBolt and Mielke.

Voting yea: Representatives Dunshee, Edwards, Berkey, Dunn, Hatfield, Kirby and Sullivan.
Voting nay: Representatives Mulliken, Crouse, DeBolt and Mielke.

Passed to Committee on Rules for second reading.

February 28, 2002

2SSB 5797 Prime Sponsor, Senate Committee on Health & Long-Term Care: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney; Lysen and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler.

Voting yea: Representatives Conway, Wood, Clements, Kenney, Lysen and McMorris.
Voting nay: Representative Chandler.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 5823 Prime Sponsor, Senate Committee on Education: Repealing student improvement goals. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.
Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 28, 2002

E2SSB 5827 Prime Sponsor, Senate Committee on Judiciary: Changing provisions relating to the enforcement of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 26, 2002

ESSB 5831 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Allowing the use of body-gripping traps under certain circumstances. (REVISED FOR ENGROSSED: Repealing the provisions of Initiative No. 713.) Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The following acts or parts of acts are each repealed:

- (1) RCW 77.15.192 (Definitions) and 2001 c 1 s 2 (Initiative Measure No. 713);
- (2) RCW 77.15.194 (Unlawful traps) and 2001 c 1 s 3 (Initiative Measure No. 713);
- (3) RCW 77.15.198 (Violation of RCW 77.15.194 or 77.15.196--Penalty) and 2001 c 1 s 5 (Initiative Measure No. 713);
- (4) Section 1, chapter 1, Laws of 2001 (Initiative Measure No. 713) (uncodified); and
- (5) Section 6, chapter 1, Laws of 2001 (Initiative Measure No. 713) (uncodified).

Sec. 2. RCW 77.15.196 and 2001 c 1 s 4 (Initiative Measure No. 713) are each amended to read as follows:

It is unlawful to poison or attempt to poison any animal using sodium fluoroacetate, also known as compound 1080(~~(, or sodium cyanide)~~)."

Correct the title.

Signed by Representatives Doumit, Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; Orcutt and Pearson.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; McDermott and Upthegrove.

Voting yea: Representatives Doumit, Sump, Buck, Eickmeyer, Ericksen, Jackley, Orcutt and Pearson.

Voting nay: Representatives Rockefeller, McDermott and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 5832 Prime Sponsor, Senator Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 5841 Prime Sponsor, Senate Committee on State & Local Government: Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.130 and 1997 c 429 s 10 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. ~~((Not later than September 1, 2002, and at least every five years thereafter,))~~ A county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure ((that)) the plan and regulations ((are complying)) comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. A county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(b) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter ~~((, and))~~. ~~Any ((change)) amendment of or revision~~ amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program ~~((identifying))~~ consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year ((except that)). "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW; and

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.

(3) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas. The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. The schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities in compliance with the schedules in this section shall have the requisite authority to receive grants, loans, pledges, or financial guarantees from those accounts established in RCW 43.155.050 and 70.146.030. Only those counties and cities in compliance with the schedules in this section shall receive preference for grants or loans subject to the provisions of RCW 43.17.250."

On page 1, line 3 of the title, after "act;" strike the remainder of the title and insert "and amending RCW 36.70A.130."

Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2002

2SSB 5949 Prime Sponsor, Senate Committee on Transportation: Erecting and maintaining motorist information sign panels. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.36 RCW to read as follows:

(1) When exercising its authority to erect and maintain motorist information sign panels under RCW 47.36.310 and 47.36.320, the department shall contract with a private contractor for a term of ten years. The contractor selected by the department must be incorporated, and must maintain an office, in this state.

(2) The contractor, at no cost to the department, is solely responsible for marketing, administration, financial management, sign fabrication, installation, and maintenance and is subject to the provisions of this chapter otherwise applicable to the department. The contractor may set the market rate to be charged to businesses advertising on the motorist information signs.

(3) A contract entered into between the department and a contractor must require the contractor to administer, fabricate, install, and maintain community historical signs authorized for placement by the department at no cost to the department.

(4) The department must let the contract to the highest bidder and may set such contractual terms as it deems necessary to guarantee the performance of the contract. The department shall periodically monitor the performance of the contract.

(5) In letting a contract under this section the department shall maximize revenue from the contracting out of this program."

Correct the title.

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

February 28, 2002

2ESB 6001 Prime Sponsor, Senator Carlson: Inspecting tenant dwelling units for fire code violations. (REVISED FOR 2ND ENGROSSED: Authorizing inspections of tenant dwelling units for fire code violations.) Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "seek" insert "a search warrant"

On page 1, line 15, after "and" insert ", upon a showing of probable cause specific to the dwelling unit sought to be searched that criminal fire code violations exist in the dwelling unit,"

On page 1, beginning on line 16, after "jurisdiction" strike ", upon a showing of probable cause specific to the dwelling unit sought to be searched that criminal fire code violations exist in the dwelling unit,"

On page 2, line 4, after "seek" insert "a search warrant"

On page 2, line 4, after "and" insert ", upon a showing of probable cause specific to the common area sought to be searched that a criminal fire code violation exists in those areas,"

On page 2, beginning on line 4, after "jurisdiction" strike ", upon a showing of probable cause specific to the common area sought to be searched that a criminal fire code violation exists in those areas,"

Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6037 Prime Sponsor, Senate Committee on Agriculture & International Trade: Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.92 RCW to read as follows:

The legislature recognizes that low-income households may not receive needed veterinary services for household pets. It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income members of our communities. It is not the intent of the legislature to allow these agencies to provide veterinary services to the public at large.

NEW SECTION. Sec. 2. A new section is added to chapter 18.92 RCW to read as follows:

(1)(a) Subject to the limitations in this section, animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, that have qualified under section 501(c)(3) of the internal revenue code may provide limited veterinary services to animals owned by qualified low-income households. The veterinary services provided shall be limited to electronic identification, surgical sterilization, and vaccinations. A veterinarian or veterinary technician acting within his or her scope of practice must perform the limited veterinary services. For purposes of this section, "low-income household" means the same as in RCW 43.185A.010.

(b) Animal control agencies and nonprofit humane societies, receiving animals on an emergency basis, may provide emergency care, subject to a local ordinance that defines an emergency situation and establishes temporary time limits.

(c) Any local ordinance addressing the needs under this section that was approved by the voters and is in effect on the effective date of this act remains in effect.

(2) Veterinarians and veterinary technicians employed at these facilities must be licensed under this chapter. No officer, director, supervisor, or any other individual associated with an animal care or control agency or nonprofit humane society owning and operating a veterinary medical facility may impose any terms or conditions of employment or direct or attempt to direct an employed veterinarian in any way that interferes with the free exercise of the veterinarian's professional judgment or infringes upon the utilization of his or her professional skills.

(3) Veterinarians, veterinary technicians, and animal control agencies and humane societies acting under this section shall, for purposes of providing the limited veterinary services, meet the requirements established under this chapter and are subject to the rules adopted by the veterinary board of governors in the same fashion as any licensed veterinarian or veterinary medical facility in the state.

(4) The Washington state veterinary board of governors shall adopt rules to:

(a) Establish registration and registration renewal requirements;

(b) Govern the purchase and use of drugs for the limited veterinary services authorized under this section; and

(c) Ensure that agencies and societies are in compliance with this section.

(5) The limited veterinary medical service authority granted by registration under this section may be denied, suspended, revoked, or conditioned by a determination of the board of governors for any act of noncompliance with this chapter. The uniform disciplinary act, chapter 18.130 RCW, governs unregistered operation, the issuance and denial of registrations, and the discipline of registrants under this section.

(6) No animal control agency or humane society may operate under this chapter without registering with the department. An application for registration shall be made upon forms provided by the department and shall include the information the department reasonably requires, as provided by RCW 43.70.280. The department shall establish registration and renewal fees as provided by RCW 43.70.250. A registration fee shall accompany each application for registration or renewal.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2003."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding new sections to chapter 18.92 RCW; and providing an effective date."

Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6061 Prime Sponsor, Senator Patterson: Requiring quarterly meetings of municipal firemen's pension boards. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 28, 2002

2SSB 6080 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Updating and harmonizing fireworks and explosives laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.74.010 and 1993 c 293 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) The terms "authorized", "approved" or "approval" shall be held to mean authorized, approved, or approval by the department of labor and industries.

(2) The term "blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, ~~((intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap))~~ that is intended for blasting and not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined. A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer.

(3) The term "explosive" or "explosives" whenever used in this chapter, shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as ~~((class A, class B, and class C))~~ division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by the ((federal)) Unites States department of transportation. For the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives, unless possessed or used for a purpose inconsistent with small arms use or other lawful purpose.

(4) Classification of explosives shall include but not be limited to the following:

(a) ~~((CLASS A))~~ DIVISION 1.1 and 1.2 EXPLOSIVES: ((Possessing)) Possess mass explosion or detonating hazard((+)) and include dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.

(b) ~~((CLASS B))~~ DIVISION 1.3 EXPLOSIVES: ((Possessing)) Possess a minor blast hazard, a minor projection hazard, or a flammable hazard((+)) and include propellant explosives, including smokeless ((propellants)) powder exceeding fifty pounds.

(c) ~~((CLASS C))~~ DIVISION 1.4, 1.5, and 1.6 EXPLOSIVES: ((Including)) Include certain types of manufactured articles which contain ((class A or class B)) division 1.1, 1.2, or 1.3 explosives,

or ~~((both))~~ all, as components, but in restricted quantities~~((s))~~, and also include blasting caps in quantities of 1000 or less.

(5) The term "explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(6) The term "magazine", shall be held to mean and include any building or other structure, other than ~~((a factory))~~ an explosives manufacturing building, used for the storage of explosives.

(7) The term "improvised device" means a device which is fabricated with explosives or destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and which is designed, or has the capacity, to disfigure, destroy, distract, or harass.

(8) The term "inhabited building", shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

(9) The term "explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(10) The term "explosives manufacturing building", shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(11) The term "railroad" shall be held to mean and include any steam, electric, or other railroad which carries passengers for hire.

(12) The term "highway" shall be held to mean and include any public street, public alley, or public road, including a privately financed, constructed, or maintained road that is regularly and openly traveled by the general public.

(13) The term "efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(14) The term "person" shall be held to mean and include any individual, firm, ~~((partnership))~~ partnership, corporation, company, association, society, joint stock company, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(15) The term "dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(16) The term "forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal department of transportation.

(17) The term "handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(18) The term "handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(19) The term "fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

(20) The term "motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

(21) The term "natural barricade" shall be held to mean and include any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(22) The term "oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(23) The term "propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(24) The term "public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(25) The term "public utility transmission system" shall mean power transmission lines over 10 KV, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(26) The term "purchaser" shall be held to mean any person who buys, accepts, or receives any explosives or blasting agents.

(27) The term "pyrotechnic" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks as defined in chapter 70.77 RCW.

(28) The term "small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(29) The term "small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(30) The term "smokeless (~~(propellants)) powder~~" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(31) The term "user" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

Words used in the singular number shall include the plural, and the plural the singular.

Sec. 2. RCW 70.74.191 and 1998 c 40 s 1 are each amended to read as follows:

The laws contained in this chapter and regulations prescribed by the department of labor and industries pursuant to this chapter shall not apply to:

(1) Explosives or blasting agents in the course of transportation by way of railroad, water, highway, or air under the jurisdiction of, and in conformity with, regulations adopted by the federal department of transportation, the Washington state utilities and transportation commission, and the Washington state patrol;

(2) The laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if not exceeding the quantity of one pound;

(3) Explosives in the forms prescribed by the official United States Pharmacopoeia;

(4) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of (~~(federal))~~ United States agencies and departments including the regular United States military departments on military reservations(~~(s))~~; arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States; or the duly authorized militia of any state (~~(or territory,))~~; or to emergency operations of any state department or agency, any police, or any municipality or county;

(5) A hazardous devices technician when carrying out normal and emergency operations, handling evidence, and operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive material or when conducting training and whose employer possesses the minimum safety equipment prescribed by the federal bureau of investigation for hazardous devices work. For purposes of this section, a hazardous devices technician is a person who is a graduate of the federal bureau of investigation hazardous devices school and who is employed by a state, county, or municipality;

(6) The importation, sale, possession, and use of fireworks as defined in chapter 70.77 RCW, signaling devices, flares, fuses, and torpedoes;

(7) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures as conducted by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosives and blasting agents for such use shall meet the requirements of regulations adopted by the director of labor and industries; ~~((and))~~

(8) The storage of consumer fireworks as defined in chapter 70.77 RCW pursuant to a forfeiture or seizure under chapter 70.77 RCW by the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, or by state agencies or local governments having general law enforcement authority; and

(9) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent than this chapter.

Sec. 3. RCW 70.74.400 and 1993 c 293 s 8 are each amended to read as follows:

(1) Explosives, improvised devices, and components of explosives and improvised devices that are possessed, manufactured, delivered, imported, exported, stored, sold, purchased, transported, abandoned, detonated, or used, or intended to be used, in violation of a provision of this chapter are subject to seizure and forfeiture by a law enforcement agency and no property right exists in them.

(2) The law enforcement agency making the seizure shall notify the Washington state department of labor and industries of the seizure.

(3) Seizure of explosives, improvised devices, and components of explosives and improvised devices under subsection (1) of this section may be made if:

(a) The seizure is incident to arrest or a search under a search warrant;

(b) The explosives, improvised devices, or components have been the subject of a prior judgment in favor of the state in an injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the explosives, improvised devices, or components are directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the explosives, improvised devices, or components were used or were intended to be used in violation of this chapter.

~~((3))~~ (4) A law enforcement agency shall destroy explosives seized under this chapter when it is necessary to protect the public safety and welfare. When destruction is not necessary to protect the public safety and welfare, and the explosives are not being held for evidence, a seizure pursuant to this section commences proceedings for forfeiture.

~~((4))~~ (5) The law enforcement agency under whose authority the seizure was made shall issue a written notice of the seizure and commencement of the forfeiture proceedings to the person from whom the explosives were seized, to any known owner of the explosives, and to any person who has a known interest in the explosives. The notice shall be issued within fifteen days of the seizure. The notice of seizure and commencement of the forfeiture proceedings shall be served in the same manner as provided in RCW 4.28.080 for service of a summons. The law enforcement agency shall provide a form by which the person or persons may request a hearing before the law enforcement agency to contest the seizure.

~~((5))~~ (6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of the explosives, improvised devices, or components within thirty days of the date the notice was issued, the seized explosives, devices, or components shall be deemed forfeited.

~~((6))~~ (7) If, within thirty days of the issuance of the notice, any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items seized, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement or the officer's designee of the seizing agency, except that the person asserting the claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the items seized is more than five hundred dollars. The hearing and any appeal shall be conducted according to chapter 34.05 RCW. The seizing law enforcement agency shall bear the burden of proving that the person (a) has no lawful right of ownership or possession and (b) that the items seized were possessed, manufactured, stored, sold,

purchased, transported, abandoned, detonated, or used in violation of a provision of this chapter with the person's knowledge or consent.

~~((7))~~ (8) The seizing law enforcement agency shall promptly return the items seized to the claimant upon a determination that the claimant is entitled to possession of the items seized.

~~((8))~~ (9) If the items seized are forfeited under this statute, the seizing agency shall ~~((destroy))~~ dispose of the explosives by summary destruction. However, when explosives are destroyed either to protect public safety or because the explosives were forfeited, the person from whom the explosives were seized loses all rights of action against the law enforcement agency or its employees acting within the scope of their employment, or other governmental entity or employee involved with the seizure and destruction of explosives.

~~((9))~~ (10) This section is not intended to change the seizure and forfeiture powers, enforcement, and penalties available to the department of labor and industries pursuant to chapter 49.17 RCW as provided in RCW 70.74.390.

Sec. 4. RCW 70.77.126 and 1995 c 61 s 3 are each amended to read as follows:

"Fireworks" means any composition or device~~((, in a finished state, containing any combustible or explosive substance for the purpose of producing))~~ designed to produce a visible or audible effect by combustion~~((, explosion)),~~ deflagration, or detonation, and ~~((classified as common))~~ which meets the definition of articles pyrotechnic or consumer fireworks or ~~((special))~~ display fireworks ~~((by the United States bureau of explosives or contained in the regulations of the United States department of transportation and designated as U.N. 0335 1.3G or U.N. 0336 1.4G as of April 17, 1995)).~~

Sec. 5. RCW 70.77.131 and 1995 c 61 s 4 are each amended to read as follows:

~~(((Special))~~ Display fireworks" means ~~((any fireworks designed primarily for exhibition display by producing visible or audible effects and classified as such by the United States bureau of explosives or in the regulations of the United States department of transportation and designated as U.N. 0335 1.3G as of April 17, 1995))~~ large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than 2 grains (130 mg) of explosive materials, aerial shells containing more than 40 grams of pyrotechnic compositions, and other display pieces which exceed the limits of explosive materials for classification as "consumer fireworks" and are classified as fireworks UN0333, UN0334, or UN0335 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this section, and including fused setpieces containing components which exceed 50 mg of salute powder.

Sec. 6. RCW 70.77.136 and 1995 c 61 s 5 are each amended to read as follows:

~~(((Common))~~ Consumer fireworks" means ~~((any fireworks which are designed primarily for retail sale to the public during prescribed dates and which produce visual or audible effects through combustion and are classified as common fireworks by the United States bureau of explosives or in the regulations of the United States department of transportation and designated as U.N. 0336 1.4G as of April 17, 1995))~~ any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this section, and not including fused setpieces containing components which together exceed 50 mg of salute powder.

NEW SECTION. Sec. 7. A new section is added to chapter 70.77 RCW to read as follows:

"Articles pyrotechnic" means pyrotechnic devices for professional use similar to consumer fireworks in chemical composition and construction but not intended for consumer use which meet the weight limits for consumer fireworks but which are not labeled as such and which are classified as UN0431 or UN0432 by the United States department of transportation at 49 C.F.R. Sec. 172.101 as of the effective date of this section.

Sec. 8. RCW 70.77.141 and 1982 c 230 s 4 are each amended to read as follows:

"Agricultural and wildlife fireworks" includes fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States department of the interior or an equivalent state or local governmental agency.

Sec. 9. RCW 70.77.160 and 1997 c 182 s 1 are each amended to read as follows:

"Public display of fireworks" means an entertainment feature where the public is or could be admitted or allowed to view the display or discharge of ~~((special))~~ display fireworks.

Sec. 10. RCW 70.77.170 and 1995 c 369 s 44 are each amended to read as follows:

"License" means a nontransferable formal authorization which the chief of the Washington state patrol ~~((and)), through~~ the director of fire protection ~~((are permitted)), is authorized~~ to issue under this chapter to allow a person to engage in the act specifically designated therein.

Sec. 11. RCW 70.77.175 and 1961 c 228 s 12 are each amended to read as follows:

"Licensee" means any person ~~((holding))~~ issued a fireworks license in conformance with this chapter.

Sec. 12. RCW 70.77.180 and 1995 c 61 s 9 are each amended to read as follows:

"Permit" means the official ~~((permission))~~ authorization granted by a ~~((local public agency))~~ city or county for the purpose of establishing and maintaining a place within the jurisdiction of the ~~((local agency))~~ city or county where fireworks are manufactured, constructed, produced, packaged, stored, sold, or exchanged and the official ~~((permission))~~ authorization granted by a ~~((local agency))~~ city or county for a public display of fireworks.

NEW SECTION. **Sec. 13.** A new section is added to chapter 70.77 RCW to read as follows:

"Permittee" means any person issued a fireworks permit in conformance with this chapter.

Sec. 14. RCW 70.77.205 and 1995 c 61 s 11 are each amended to read as follows:

"Manufacturer" includes any person who manufactures, makes, constructs, fabricates, or produces any fireworks article or device but does not include persons who assemble or fabricate sets or mechanical pieces in public displays of fireworks or persons who assemble ~~((common))~~ consumer fireworks items or sets or packages containing ~~((common))~~ consumer fireworks items.

Sec. 15. RCW 70.77.210 and 1982 c 230 s 9 are each amended to read as follows:

"Wholesaler" includes any person who sells fireworks to a retailer or any other person for resale and any person who sells ~~((special))~~ display fireworks to public display licensees.

Sec. 16. RCW 70.77.215 and 1982 c 230 s 10 are each amended to read as follows:

"Retailer" includes any person who, at a fixed location or place of business, offers for sale, ~~sells(, transfers, or gives common),~~ or exchanges for consideration consumer fireworks to a consumer or user.

Sec. 17. RCW 70.77.230 and 1982 c 230 s 11 are each amended to read as follows:

"Pyrotechnic operator" includes any individual who by experience and training has demonstrated the required skill and ability for safely setting up and discharging ~~((public displays of special))~~ display fireworks.

Sec. 18. RCW 70.77.236 and 1997 c 182 s 4 are each amended to read as follows:

(1) "New fireworks item" means any fireworks initially classified or reclassified as ~~((special or common))~~ articles pyrotechnic, display fireworks, or consumer fireworks by ~~((the United States bureau of explosives or in the regulations of))~~ the United States department of transportation after ~~((April 17, 1995))~~ the effective date of this section, and which comply with the construction, chemical

composition, and labeling regulations of the United States consumer products safety commission, 16 C.F.R., Parts 1500 and 1507.

(2) The chief of the Washington state patrol, through the director of fire protection, shall classify any new fireworks item in the same manner as the item is classified by ~~((the United States bureau of explosives or in the regulations of))~~ the United States department of transportation~~((, unless))~~ and the United States consumer product safety commission. The chief of the Washington state patrol, through the director of fire protection, may determine~~((s))~~, stating reasonable grounds, that the item should not be so classified.

Sec. 19. RCW 70.77.250 and 1997 c 182 s 5 are each amended to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection, shall enforce and administer this chapter.

(2) The chief of the Washington state patrol, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules relating to fireworks as are necessary for the implementation of this chapter.

(4) The chief of the Washington state patrol, through the director of fire protection, shall adopt those rules as are necessary to ensure statewide minimum standards for the enforcement of this chapter. Counties~~((,))~~ and cities~~((, and towns))~~ shall comply with these state rules. Any ~~((local rules))~~ ordinances adopted by ~~((local authorities))~~ a county or city that are more restrictive than state law shall have an effective date no sooner than one year after their adoption.

(5) The chief of the Washington state patrol, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency and city, county, or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency and city, county, or local government.

(6) The chief of the Washington state patrol, through the director of fire protection, shall adopt rules necessary to enforce the civil penalty provisions for the violations of this chapter. A civil penalty under this subsection may not exceed one thousand dollars per day for each violation and is subject to the procedural requirements under section 20 of this act.

(7) The chief of the Washington state patrol, through the director of fire protection, may investigate or cause to be investigated all fires resulting, or suspected of resulting, from the use of fireworks.

NEW SECTION. Sec. 20. A new section is added to chapter 70.77 RCW to read as follows:

(1) The penalty provided for in RCW 70.77.250(6) shall be imposed by a notice in writing to the person against whom the civil fine is assessed and shall describe the violation with reasonable particularity. The notice shall be personally served in the manner of service of a summons in a civil action or in a manner which shows proof of receipt. Any penalty imposed by RCW 70.77.250(6) shall become due and payable twenty-eight days after receipt of notice unless application for remission or mitigation is made as provided in subsection (2) of this section or unless application for an adjudicative proceeding is filed as provided in subsection (3) of this section.

(2) Within fourteen days after the notice is received, the person incurring the penalty may apply in writing to the chief of the Washington state patrol, through the director of fire protection, for the remission or mitigation of the penalty. Upon receipt of the application, the chief of the Washington state patrol, through the director of fire protection, may remit or mitigate the penalty upon whatever terms the chief of the Washington state patrol, through the director of fire protection, deems proper, giving consideration to the degree of hazard associated with the violation. The chief of the Washington state patrol, through the director of fire protection, may only grant a remission or mitigation that it deems to be in the best interests of carrying out the purposes of this chapter. The chief of the Washington state patrol, through the director of fire protection, may ascertain the facts regarding all such applications in a manner it deems proper. When an application for remission or mitigation is made, any penalty incurred under RCW 70.77.250(6) becomes due and payable twenty-eight days after

receipt of the notice setting forth the disposition of the application, unless an application for an adjudicative proceeding to contest the disposition is filed as provided in subsection (3) of this section.

(3) Within twenty-eight days after notice is received, the person incurring the penalty may file an application for an adjudicative proceeding and may pursue subsequent review as provided in chapter 34.05 RCW and applicable rules of the chief of the Washington state patrol, through the director of fire protection.

(4) Any penalty imposed by final order following an adjudicative proceeding becomes due and payable upon service of the final order.

(5) The attorney general may bring an action in the name of the chief of the Washington state patrol, through the director of fire protection, in the superior court of Thurston county or of any county in which the violator may do business to collect any penalty imposed under this chapter.

(6) All penalties imposed under this section shall be paid to the state treasury and credited to the fire services trust fund and used as follows: At least fifty percent is for a statewide public education campaign developed by the chief of the Washington state patrol, through the director of fire protection, and the licensed fireworks industry emphasizing the safe and responsible use of legal fireworks; and the remainder is for statewide efforts to enforce this chapter.

Sec. 21. RCW 70.77.255 and 1997 c 182 s 6 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, no person, without appropriate state licenses and city or county permits as required by this chapter may:

(a) Manufacture, import, possess, or sell any fireworks at wholesale or retail for any use;

(b) Make a public display of fireworks;

(c) Transport fireworks, except as a licensee or as a public carrier delivering to a licensee; or

(d) Knowingly manufacture, import, transport, store, sell, or possess with intent to sell, as fireworks, explosives, as defined under RCW 70.74.010, that are not fireworks, as defined under this chapter.

(2) Except as authorized by a license and permit under subsection (1)(b) of this section or as provided in RCW 70.77.311, no person may discharge (~~special~~) display fireworks at any place.

(3) No person less than eighteen years of age may apply for or receive a license or permit under this chapter.

(4) No license or permit is required for the possession or use of (~~common~~) consumer fireworks lawfully purchased at retail.

Sec. 22. RCW 70.77.270 and 1997 c 182 s 8 are each amended to read as follows:

(1) The governing body of a city or county, or a designee, shall grant an application for a permit under RCW 70.77.260(1) if the application meets the standards under this chapter, and the applicable ordinances of the city or county. The permit shall be granted by June 10, or no less than thirty days after receipt of an application whichever date occurs first, for sales commencing on June 28 and on December 27; or by December 10, or no less than thirty days after receipt of an application whichever date occurs first, for sales commencing only on December 27.

(2) The chief of the Washington state patrol, through the director of fire protection, shall prescribe uniform, statewide standards for retail fireworks stands including, but not limited to, the location of the stands, setback requirements and siting of the stands, types of buildings and construction material that may be used for the stands, use of the stands and areas around the stands, cleanup of the area around the stands, transportation of fireworks to and from the stands, and temporary storage of fireworks associated with the retail fireworks stands. All cities and counties which allow retail fireworks sales shall comply with these standards.

(3) No retail fireworks permit may be issued to any applicant unless the retail fireworks stand is covered by a liability insurance policy with coverage of not less than fifty thousand dollars and five hundred thousand dollars for bodily injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence, unless such insurance is not readily available from at least three approved insurance companies. If insurance in this amount is not offered, each fireworks permit shall be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies.

No wholesaler may knowingly sell or supply fireworks to any retail fireworks (~~stand~~) licensee unless the wholesaler determines that the retail fireworks (~~stand~~) licensee is covered by liability insurance in the same, or greater, amount as provided in this subsection.

Sec. 23. RCW 70.77.305 and 1995 c 369 s 46 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state, except as provided in RCW 70.77.311 and 70.77.395. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the chief of the Washington state patrol, through the director of fire protection.

Sec. 24. RCW 70.77.311 and 1995 c 61 s 17 are each amended to read as follows:

(1) No license is required for the purchase of agricultural and wildlife fireworks by government agencies if:

(a) The agricultural and wildlife fireworks are used for wildlife control or are distributed to farmers, ranchers, or growers through a wildlife management program administered by the United States department of the interior or an equivalent state or local governmental agency;

(b) The distribution is in response to a written application describing the wildlife management problem that requires use of the devices;

(c) It is of no greater quantity than necessary to control the described problem; and

(d) It is limited to situations where other means of control are unavailable or inadequate.

(2) No license is required for religious organizations or private organizations or persons to purchase or use (~~common~~) consumer fireworks and such audible ground devices as firecrackers, salutes, and chasers if:

(a) Purchased from a licensed manufacturer, importer, or wholesaler;

(b) For use on prescribed dates and locations;

(c) For religious or specific purposes; and

(d) A permit is obtained from the local fire official. No fee may be charged for this permit.

Sec. 25. RCW 70.77.315 and 1997 c 182 s 10 are each amended to read as follows:

Any person who desires to engage in the manufacture, importation, sale, or use of fireworks, except use as provided in RCW 70.77.255(4) (~~and~~), 70.77.311, and 70.77.395, shall make a written application to the chief of the Washington state patrol, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Sec. 26. RCW 70.77.330 and 1995 c 369 s 48 are each amended to read as follows:

If the chief of the Washington state patrol, through the director of fire protection, finds that the granting of such license (~~would~~) is not (~~be~~) contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Sec. 27. RCW 70.77.335 and 1982 c 230 s 23 are each amended to read as follows:

The authorization to engage in the particular act or acts conferred by a license to a person shall extend to (~~salesmen~~) sellers, authorized representatives, and other employees of such person.

Sec. 28. RCW 70.77.340 and 1982 c 230 s 24 are each amended to read as follows:

The original and annual license fee shall be as follows:

Manufacturer	\$ 500.00
Importer	100.00
Wholesaler	1,000.00
Retailer (for each separate retail outlet)	10.00

Public display for ~~((special))~~ display
 fireworks 10.00
 Pyrotechnic operator for ~~((special))~~ display
 fireworks 5.00

Sec. 29. RCW 70.77.343 and 1997 c 182 s 12 are each amended to read as follows:

(1) License fees, in addition to the fees in RCW 70.77.340, shall be charged as follows:

Manufacturer \$ 1,500.00
 Importer 900.00
 Wholesaler 1,000.00
 Retailer (for each separate outlet) 30.00
 Public display for ~~((special))~~ display
 fireworks 40.00
 Pyrotechnic operator for ~~((special))~~ display
 fireworks 5.00

(2) All receipts from the license fees in this section shall be placed in the fire services trust fund and at least seventy-five percent of these receipts shall be used to fund a statewide public education campaign developed by the chief of the Washington state patrol and the licensed fireworks industry emphasizing the safe and responsible use of legal fireworks and the remaining receipts shall be used to fund statewide enforcement efforts against the sale and use of fireworks that are illegal under this chapter.

Sec. 30. RCW 70.77.381 and 1995 c 61 s 27 are each amended to read as follows:

(1) Every wholesaler shall carry liability insurance for each wholesale and retail fireworks outlet it operates in the amount of not less than fifty thousand dollars and five hundred thousand dollars for bodily injury liability for each person and occurrence, respectively, and not less than fifty thousand dollars for property damage liability for each occurrence, unless such insurance is not available from at least three approved insurance companies. If insurance in this amount is not offered, each wholesale and retail outlet shall be covered by a liability insurance policy in the maximum amount offered by at least three different approved insurance companies.

(2) No wholesaler may knowingly sell or supply fireworks to any retail ~~((outlet))~~ licensee unless the wholesaler determines that the retail ~~((outlet))~~ licensee carries liability insurance in the same, or greater, amount as provided in subsection (1) of this section.

Sec. 31. RCW 70.77.395 and 1995 c 61 s 22 are each amended to read as follows:

(1) It is legal to sell~~((s))~~ and purchase~~((, use, and discharge common))~~ consumer fireworks within this state from twelve o'clock noon to eleven o'clock p.m. on the twenty-eighth of June, from nine o'clock a.m. to eleven o'clock p.m. on each day from the twenty-ninth of June through the fourth of July, from nine o'clock a.m. to ~~((twelve))~~ nine o'clock ~~((noon))~~ p.m. on the ~~((sixth))~~ fifth of July ~~((of each year))~~, from twelve o'clock noon to eleven o'clock p.m. on each day from the twenty-seventh of December through the thirty-first of December of each year, and as provided in RCW 70.77.311. ~~((However, no common))~~

(2) Consumer fireworks may be ~~((sold))~~ used or discharged each day between the hours of twelve o'clock noon and eleven o'clock p.m. ((and nine o'clock a.m.)) on the twenty-eighth of June and between the hours of nine o'clock a.m. and eleven o'clock p.m. on the twenty-ninth of June to the third of July, ((except)) and on July 4th ((from)) between the hours of nine o'clock a.m. ((through)) and twelve o'clock midnight, and between the hours of nine o'clock a.m. and eleven o'clock p.m. on July 5th, and ((except)) from six o'clock p.m. on December 31st until one o'clock a.m. on January 1st of the subsequent year~~((: PROVIDED, That a city or county may prohibit the sale or discharge of common fireworks on December 31, 1995, by enacting an ordinance prohibiting such sale or discharge within sixty days of April 17, 1995))~~, and as provided in RCW 70.77.311.

(3) A city or county may enact an ordinance within sixty days of the effective date of this act to limit or prohibit the sale, purchase, possession, or use of consumer fireworks on December 27, 2002, through December 31, 2002, and thereafter as provided in RCW 70.77.250(4).

Sec. 32. RCW 70.77.401 and 1995 c 61 s 7 are each amended to read as follows:

No fireworks may be sold or offered for sale to the public as ~~((common))~~ consumer fireworks which are classified as sky rockets, or missile-type rockets, firecrackers, salutes, or chasers as defined by the United States department of transportation and the federal consumer products safety commission except as provided in RCW 70.77.311.

Sec. 33. RCW 70.77.405 and 1982 c 230 s 32 are each amended to read as follows:

Toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as ~~((common))~~ consumer fireworks may be sold at all times unless prohibited by local ordinance.

NEW SECTION. **Sec. 34.** A new section is added to chapter 70.77 RCW to read as follows:

(1) "Permanent storage" means storage of display fireworks at any time and/or storage of consumer fireworks at any time other than the periods allowed under RCW 70.77.420(2) and 70.77.425 and which shall be in compliance with the requirements of chapter 70.74 RCW.

(2) "Temporary storage" means the storage of consumer fireworks during the periods allowed under RCW 70.77.420(2) and 70.77.425.

Sec. 35. RCW 70.77.420 and 1997 c 182 s 18 are each amended to read as follows:

(1) It is unlawful for any person to store permanently fireworks of any class without a permit for such permanent storage from the city or county in which the storage is to be made. A person proposing to store permanently fireworks shall apply in writing to a city or county at least ten days prior to the date of the proposed permanent storage. The city or county receiving the application for a permanent storage permit shall investigate whether the character and location of the permanent storage as proposed ~~((would))~~ meets the requirements of the zoning, building, and fire codes or constitutes a hazard to property or ((be)) is dangerous to any person. Based on the investigation, the city or county may grant or deny the application. The city or county may place reasonable conditions on any permit granted.

(2) For the purposes of this section the temporary storing or keeping of ~~((common))~~ consumer fireworks when in conjunction with a valid retail sales license and permit shall comply with RCW 70.77.425 and the standards adopted under RCW 70.77.270(2) and not this section.

Sec. 36. RCW 70.77.425 and 1984 c 249 s 27 are each amended to read as follows:

It is unlawful for any person to store ~~((unsold))~~ permanently stocks of fireworks remaining unsold after the lawful period of sale as provided in the person's permit except in such places of permanent storage as the ~~((local fire official))~~ city or county issuing the permit approves. Unsold stocks of ~~((common))~~ consumer fireworks remaining after the authorized retail sales period from ~~((twelve))~~ nine o'clock ~~((noon))~~ a.m. on June 28th to twelve o'clock noon on July ~~((6th))~~ 5th shall be returned on or before July 31st of the same year, or remaining after the authorized retail sales period from twelve o'clock noon on December 27th to eleven o'clock p.m. on December 31st shall be returned on or before January 10th of the subsequent year, to the approved permanent storage facilities of a licensed fireworks wholesaler~~((s))~~ or to a magazine or permanent storage place approved by a local fire official.

Sec. 37. RCW 70.77.435 and 1997 c 182 s 20 are each amended to read as follows:

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed, or transported in violation of the provisions of this chapter or the rules or regulations of the chief of the Washington state patrol, through the director of fire protection, ~~((shall be))~~ are subject to seizure by the chief of the Washington state patrol, through the director of fire protection, or his or her deputy, or by state agencies or local governments having general law enforcement authority. ~~((Any fireworks seized~~

~~by legal process anywhere in the state may be disposed of by the chief of the Washington state patrol, through the director of fire protection, or the agency conducting the seizure, by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later.))~~

Sec. 38. RCW 70.77.440 and 1997 c 182 s 21 are each amended to read as follows:

(1) In the event of seizure under RCW 70.77.435, proceedings for forfeiture shall be deemed commenced by the seizure. The chief of the Washington state patrol or a designee, through the director of fire protection or the agency conducting the seizure, under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the fireworks seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen-day period following the seizure.

(2) If no person notifies the chief of the Washington state patrol, through the director of fire protection or the agency conducting the seizure, in writing of the person's claim of lawful ownership or right to lawful possession of seized fireworks within thirty days of the seizure, the seized fireworks shall be deemed forfeited.

(3) If any person notifies the chief of the Washington state patrol, through the director of fire protection or the agency conducting the seizure, in writing of the person's claim of lawful ownership or possession of the fireworks within thirty days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the seized fireworks is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorneys' fees. The burden of producing evidence shall be upon the person claiming to have the lawful right to possession of the seized fireworks. The chief of the Washington state patrol, through the director of fire protection or the agency conducting the seizure, shall promptly return the fireworks to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession of the fireworks.

(4) When fireworks are forfeited under this chapter the chief of the Washington state patrol, through the director of fire protection or the agency conducting the seizure, may:

(a) Dispose of the fireworks by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under this section, whichever is later; or

(b) Sell the forfeited fireworks and chemicals used to make fireworks, that are legal for use and possession under this chapter, to wholesalers or manufacturers, authorized to possess and use such fireworks or chemicals under a license issued by the chief of the Washington state patrol, through the director of fire protection. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section may be retained by the agency conducting the seizure and used to offset the costs of seizure and/or storage costs of the seized fireworks. The remaining proceeds, if any, shall be deposited in the fire services trust fund and shall be used ((for the same purposes and in the same percentages as specified in RCW 70.77.343)) as follows: At least fifty percent is for a statewide public education campaign developed by the chief of the Washington state patrol, through the director of fire protection, and the licensed fireworks industry emphasizing the safe and responsible use of legal fireworks; and the remainder is for statewide efforts to enforce this chapter.

Sec. 39. RCW 70.77.495 and 1988 c 128 s 11 are each amended to read as follows:

~~((Nothing in this chapter shall be construed as permitting))~~ It is unlawful for any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the Washington state department of natural resources or its duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Sec. 40. RCW 70.77.510 and 1984 c 249 s 31 are each amended to read as follows:

It is unlawful for any person knowingly to sell, transfer, or agree to sell or transfer any ~~((special))~~ display fireworks to any person who is not a fireworks licensee as provided for by this chapter. A violation of this section is a gross misdemeanor.

Sec. 41. RCW 70.77.515 and 1984 c 249 s 32 are each amended to read as follows:

(1) It is unlawful for any person to offer for sale, sell ~~((or transfer))~~, or exchange for consideration, any ~~((common))~~ consumer fireworks to a consumer or user other than at a fixed place of business of a retailer for which a license and permit have been issued.

(2) No licensee may sell any fireworks to any person under the age of sixteen.

(3) A violation of this section is a gross misdemeanor.

Sec. 42. RCW 70.77.517 and 1984 c 249 s 34 are each amended to read as follows:

It is unlawful for any person, except in the course of continuous interstate transportation through any state, to transport fireworks from this state into any other state, or deliver them for transportation into any other state, or attempt so to do, knowing that such fireworks are to be delivered, possessed, stored, transshipped, distributed, sold, or otherwise dealt with in a manner or for a use prohibited by the laws of such other state specifically prohibiting or regulating the use of fireworks. A violation of this section is a gross misdemeanor.

This section does not apply to a common or contract carrier or to international or domestic water carriers engaged in interstate commerce or to the transportation of fireworks into a state for the use of ~~((federal))~~ United States agencies in the carrying out or the furtherance of their operations.

In the enforcement of this section, the definitions of fireworks contained in the laws of the respective states shall be applied.

As used in this section, the term "state" includes the several states, territories, and possessions of the United States, and the District of Columbia.

Sec. 43. RCW 70.77.520 and 1984 c 249 s 33 are each amended to read as follows:

It is unlawful for any person to allow any ~~((rubbish))~~ combustibles to accumulate in any premises in which fireworks are stored or sold or to permit a fire nuisance to exist in such a premises. A violation of this section is a misdemeanor.

Sec. 44. RCW 70.77.535 and 1994 c 133 s 14 are each amended to read as follows:

~~((This chapter does not prohibit))~~ The assembling, compounding, use, and display of articles pyrotechnic or special effects ~~((by any person engaged))~~ in the production of motion pictures, radio or television productions, or live entertainment ~~((when such use and display is an integral part of the production and such person))~~ shall be under the direction and control of a pyrotechnic operator licensed by the state of Washington and who possesses a valid permit from the ~~((local fire official))~~ city or county.

Sec. 45. RCW 70.77.555 and 1995 c 61 s 26 are each amended to read as follows:

(1) A ~~((local public agency))~~ city or county may provide by ordinance for a fee in an amount sufficient to cover all legitimate costs for all needed permits ~~((and local))~~, licenses, and authorizations from application to and through processing, issuance, and inspection, but in no case to exceed a total of one hundred dollars for any one ~~((year))~~ retail sales permit for any one selling season in a year, whether June 28th through July 5th or December 27th through December 31st, or a total of two hundred dollars for both selling seasons.

(2) A city or county may provide by ordinance for a fee in an amount sufficient to cover all legitimate costs for all display permits, licenses, and authorizations from application to and through processing, issuance, and inspection, not to exceed actual costs and in no case more than a total of five thousand dollars for any one display permit.

Sec. 46. RCW 70.77.575 and 1995 c 369 s 57 are each amended to read as follows:

(1) The chief of the Washington state patrol, through the director of fire protection, shall adopt by rule a list of the consumer fireworks that may be sold to the public in this state pursuant to this chapter. The chief of the Washington state patrol, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The chief of the Washington state patrol, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.

Sec. 47. RCW 70.77.580 and 1995 c 369 s 58 are each amended to read as follows:

Retailers required to be licensed under this chapter shall post prominently at each retail ~~((outlet))~~ location a list of the consumer fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the chief of the Washington state patrol, through the director of fire protection. The chief of the Washington state patrol, through the director of fire protection, shall make the list available ~~((the list))~~.

NEW SECTION. Sec. 48. A new section is added to chapter 70.77 RCW to read as follows:

Civil proceedings to enforce this chapter may be brought in the superior court of Thurston county or the county in which the violation occurred by the attorney general or the attorney of the city or county in which the violation occurred on his or her own motion or at the request of the chief of the Washington state patrol, through the director of fire protection.

NEW SECTION. Sec. 49. A new section is added to chapter 70.77 RCW to read as follows:

In addition to criminal penalties, a person who violates this chapter is also liable for a civil penalty and for the costs incurred with enforcing this chapter and bringing the civil action, including court costs and reasonable investigative and attorneys' fees.

NEW SECTION. Sec. 50. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 70.74.010, 70.74.191, 70.74.400, 70.77.126, 70.77.131, 70.77.136, 70.77.141, 70.77.160, 70.77.170, 70.77.175, 70.77.180, 70.77.205, 70.77.210, 70.77.215, 70.77.230, 70.77.236, 70.77.250, 70.77.255, 70.77.270, 70.77.305, 70.77.311, 70.77.315, 70.77.330, 70.77.335, 70.77.340, 70.77.343, 70.77.381, 70.77.395, 70.77.401, 70.77.405, 70.77.420, 70.77.425, 70.77.435, 70.77.440, 70.77.495, 70.77.510, 70.77.515, 70.77.517, 70.77.520, 70.77.535, 70.77.555, 70.77.575, and 70.77.580; adding new sections to chapter 70.77 RCW; and prescribing penalties."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6232 Prime Sponsor, Senator Rasmussen: Revising crimes relating to possession of ammonia.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 8, after "gas" insert "or pressurized ammonia gas solution"

On page 1, line 15, after "gas" insert "or pressurized ammonia gas solution"

On page 2, line 7, after "gas" insert "or pressurized ammonia gas solution"

On page 2 line 12, after "gas" insert "or pressurized ammonia gas solution,"

On page 2, line 13, after "equipment" insert "or pressurized ammonia gas solution equipment,"

On page 2 line 16, after "gas" insert "or pressurized ammonia gas solution,"

On page 2, line 17, after "equipment" insert "or pressurized ammonia gas solution equipment,"

On page 2 line 19, after "gas" insert "or pressurized ammonia gas solution,"

On page 2, line 20, after "equipment" insert "or pressurized ammonia gas solution equipment"

On page 2, line 23, after "gas" insert "or pressurized ammonia gas solution"

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6233 Prime Sponsor, Senate Committee on Judiciary: Clarifying references to ephedrine, pseudoephedrine, and ammonia. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 10, strike "or ((~~anhydrous~~))" and insert "((~~or anhydrous~~))"

On page 1, line 11, after "gas" insert ", or pressurized ammonia gas solution"

On page 4, beginning on line 7, after "Isomers," strike "or ((~~Anhydrous~~))" and insert "((~~or Anhydrous~~))"

On page 4, line 8, after "Gas" insert ", or Pressurized Ammonia Gas Solution"

On page 10, line 34, after "isomers," strike "or"

On page 10, line 34, after "gas" insert "or pressurized ammonia gas solution"

On page 11, line 13, after "isomers," strike "or"

On page 11, line 13, after "gas" insert "or pressurized ammonia gas solution"

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6236 Prime Sponsor, Senator West: Revising restrictions on mailings by legislators. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6240 Prime Sponsor, Senate Committee on Human Services & Corrections: Clarifying the procedure for providing offenders with a certificate of discharge. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Kagi, Kirby and Morell.

Voting nay: Representative Ahern.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6241 Prime Sponsor, Senate Committee on Agriculture & International Trade: Excluding agriculturally cultivated Christmas trees from chapter 76.09 RCW. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6254 Prime Sponsor, Senate Committee on Agriculture & International Trade: Creating the fruit and vegetable inspection account. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.17.230 and 1998 c 154 s 15 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into not less than ~~((three))~~ two fruit and vegetable inspection districts ~~((to which the director may assign a district manager who shall supervise and administer regulatory and inspection affairs of the districts))~~. The director, by rule, shall establish the boundaries of the districts and may adjust the boundaries for purposes of efficiency and economy.

Sec. 2. RCW 15.17.240 and 1998 c 154 s 16 are each amended to read as follows:

~~(1) ((The district managers shall collect the fees provided for under this chapter and deposit them in the fruit and vegetable district fund in any bank in the district approved for the deposit of state funds. The fees shall be used to carry out the provisions of this chapter and no appropriation is required for disbursement from the fund. District managers shall approve payments from the fruit and vegetable inspection district funds to the fruit and vegetable inspection trust account in accordance with RCW 15.17.245. On a monthly basis, each district manager shall provide to the director a detailed account of the receipts and disbursements for the preceding month.~~

~~(2) Assessments and other fees approved by the director or authorized by law and collected by the district managers shall be deposited in the fruit and vegetable inspection district funds and distributed to the appropriate fund or agency.)~~ The fruit and vegetable inspection account is created in the custody of the state treasurer. All fees collected under this chapter must be deposited into the account. The director may authorize expenditures from the account solely for the implementation and enforcement of this chapter and any other expenditures authorized by statute or session law and applying specifically to the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

The director shall establish and maintain an account within the fruit and vegetable inspection account for each district established under RCW 15.17.230.

(2) By August 1, 2004, and by August 1st of each even-numbered year thereafter, the director shall review the balance of each of the district accounts in the fruit and vegetable inspection account at the end of the previous fiscal year. If the balance in the district account exceeds the sum of the following: An amount equal to the total expenditures of the district served by that account for the last six months of that previous fiscal year; any budgeted capital expenditures from the account for the current fiscal year; and six hundred thousand dollars, the director shall temporarily and equally, on a percentage basis, reduce each of the fees accruing to the district account until such time that the district account has a balance equal to the amount of the total expenditures from the account for the last seven months of the previous fiscal year, at which time the fees shall be returned to the amounts before the temporary reduction. In making the reductions, the director shall attempt to reduce fees for a twelve-month period so as to apply the reductions to as many of the persons who annually pay fees for services provided by the district. The temporary fee reductions shall be initially provided through the adoption of emergency rules. The emergency and subsequent rules temporarily reducing the fees are exempt from the requirements of RCW 34.05.310 and chapter 19.85 RCW. These fees shall be reinstated through the expiration of the rules temporarily reducing them and the authority to reinstate them is hereby granted.

NEW SECTION. Sec. 3. (1) Except as provided in subsection (2) of this section, any residual balance in any fruit and vegetable district fund on the effective date of this act shall be transferred to the fruit and vegetable inspection account established in RCW 15.17.240. Any such residual balance in the district fund for district number 2, as the district is constituted by rule on January 1, 2002, shall be

transferred to the district account for the district containing Yakima county. Any such residual balance in the district fund for any other district shall be transferred to the district account for the district not containing Yakima county. Any residual balance in the fruit and vegetable inspection trust account on the effective date of this act shall be transferred to the fruit and vegetable inspection account established in RCW 15.17.240 and shall be equally distributed among the district accounts.

(2) The director shall review the residual balance of each of the district funds transferred to the fruit and vegetable inspection account under subsection (1) of this section.

(a) Except as provided in (b) of this subsection, if such a residual balance in the district fund exceeds an amount equal to the total of the expenditures of the district served by that fund for the last six months of fiscal year 2002, the director of agriculture shall temporarily reduce each of the inspection fees adopted by rule that are collected for inspection services conducted in the area served by the district as it is constituted on January 1, 2002, and shall use such excess amount to provide the fee reductions. The fees shall be temporarily reduced by twelve and one-half percent for that area until the excess amount remaining is equal to an average one month's expenditures from the district fund during the six months ending June 30, 2002, at which time the fees charged shall return to the level of the fees adopted by rule. The amount equal to the average one month's expenditures shall be deposited in the district account to which other portions of the residual balance from the district fund were deposited.

(b) A portion of the amount transferred to the account from the district fund from district number three, as the district is constituted by rule on January 1, 2002, shall be used exclusively to reduce the fees charged for inspection services in the area served by the district as the district is constituted by rule on January 1, 2002. The fees shall be temporarily reduced by nine and one-half percent for that area for a period of twelve months at which time the fees charged shall return to the level of the fees adopted by rule.

Sec. 4. RCW 15.17.243 and 2001 c 92 s 1 are each amended to read as follows:

The district manager for district two as defined in WAC 16-458-075 is authorized to transfer two hundred thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred is to be derived from fees collected for state inspections of tree fruits and is to be used solely for activities related to the control of *Rhagoletis pomonella* in district two. The transfer of funds shall occur by June 1, 1997. On June 30, 2003, any unexpended portion of the two hundred thousand dollars shall be ~~((returned))~~ transferred to the fruit and vegetable ((district fund)) inspection account and deposited in the district account for the district that includes Yakima county.

Sec. 5. RCW 43.79A.040 and 2001 c 201 s 4 and 2001 c 184 s 4 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve

account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. If fruit and vegetable inspection districts that existed on January 1, 2002, under RCW 15.17.230 are consolidated or otherwise altered during 2002, the consolidation or alternation must not result in a reduction of inspection services or the availability or quality of those services in any of the districts, but may result in a consolidation of administrative support for those services.

NEW SECTION. Sec. 7. RCW 15.17.245 (Fruit and vegetable inspection trust account) and 1998 c 154 s 19, 1987 c 393 s 2, 1986 c 203 s 1, 1969 ex.s. c 76 s 1, & 1961 c 11 s 15.04.100 are each repealed.

NEW SECTION. Sec. 8. This act takes effect July 1, 2002. However, the director of the department of agriculture and the state treasurer may take actions before July 1, 2002, to permit the creation of the fruit and vegetable inspection account and the district accounts described in RCW 15.17.240 by July 1, 2002."

On page 1, line 1 of the title, after "account;" strike the remainder of the title and insert "amending RCW 15.17.230, 15.17.240, and 15.17.243; reenacting and amending RCW 43.79A.040; creating new sections; repealing RCW 15.17.245; and providing an effective date."

Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.
Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6257 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Establishing contract harvesting of timber on state trust lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the best interest of the trust beneficiaries to capture additional revenues while providing for additional environmental protection on timber sales. Further, the legislature finds that contract harvesting is one method to achieve these desired outcomes. Therefore, the legislature directs the department of natural resources to establish and implement contract harvesting where there exists the ability to increase revenues for the beneficiaries of the trusts while obtaining increases in environmental protection.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commissioner" means the commissioner of public lands.

(2) "Contract harvesting" means a timber operation occurring on state forest lands, in which the department contracts with a firm or individual to perform all the necessary harvesting work to process trees into logs sorted by department specifications. The department then sells the individual log sorts.

(3) "Department" means the department of natural resources.

(4) "Harvesting costs" are those expenses related to the production of log sorts from a stand of timber. These expenses typically involve road building, labor for felling, bucking, and yarding, as well as the transporting of sorted logs to the forest product purchasers.

(5) "Net proceeds" means gross proceeds from a contract harvesting sale less harvesting costs.

NEW SECTION. Sec. 3. (1) The department may establish a contract harvesting program by directly contracting for the removal of timber and other valuable materials from state lands.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) Contract harvesting may be used anywhere in the state except for the area east of the Okanogan river, north of the Columbia river and main fork of the Spokane river as these rivers flow east of the crest of the Cascade mountains.

(4) The department may not use contract harvesting for more than ten percent of the total annual volume of timber offered for sale.

NEW SECTION. Sec. 4. The contract harvesting revolving account is created in the custody of the state treasurer. All receipts from the gross proceeds of the sale of logs from a contract harvesting must be deposited into the account. Expenditures from the account may be used only for the payment of harvesting costs incurred on contract harvesting sales. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The board of natural resources has oversight of the account, and the commissioner must periodically report to the board of natural resources as to the status of the account, its disbursement, and receipts. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

When the logs from a contract harvesting sale are sold, the gross proceeds must be deposited into the contract harvesting revolving account. Moneys equal to the harvesting costs must be retained in the account and be deducted from the gross proceeds to determine the net proceeds. The net proceeds from the sale of the logs must be distributed in accordance with RCW 43.85.130(1)(b). The final receipt of gross proceeds on a contract harvesting sale must be retained in the contract harvesting revolving account until all required costs for that sale have been paid. The contract harvesting revolving account is an interest-bearing account and the interest must be credited to the account. The account balance may not exceed one million dollars at the end of each fiscal year. Moneys in excess of one million dollars must be disbursed according to RCW 76.12.030, 76.12.120, and 79.64.040. If the department permanently discontinues the use of contract harvesting sales, any sums remaining in the contract harvesting revolving account must be returned to the resource management cost account and the forest development account in proportion to each account's contribution to the initial balance of the contract harvesting revolving account.

NEW SECTION. Sec. 5. The board of natural resources must determine whether any special appraisal practices are necessary for logs sold by the contract harvesting processes, and if so, must

adopt the special appraisal practices or procedures. In its consideration of special appraisal practices, the board of natural resources must consider and adopt procedures to rapidly market and sell any log sorts that failed to receive the required minimum bid at the original auction, which may include allowing the department to set a new appraised value for the unsold sort.

The board of natural resources must establish and adopt policy and procedures by which the department evaluates and selects certified contract harvesters. The procedures must include a method whereby a certified contract harvester may appeal a decision by the department or board of natural resources to not include the certified contract harvester on the list of approved contract harvesters.

Sec. 6. RCW 76.12.030 and 1997 c 370 s 1 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forest lands.

Such land shall be held in trust and administered and protected by the department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county with a population of less than sixteen thousand shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

In the event that the department sells logs using the contract harvesting process described in chapter 79.-- RCW (sections 2 through 5 of this act), the moneys derived subject to this section are the net proceeds from the contract harvesting sale.

Sec. 7. RCW 76.12.120 and 2000 c 148 s 2 are each amended to read as follows:

Except as provided in RCW 76.12.125, all land, acquired or designated by the department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

Except as provided in RCW 79.12.035, all money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development account.

(2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

In the event that the department sells logs using the contract harvesting process described in chapter 79.-- RCW (sections 2 through 5 of this act), the moneys received subject to this section are the net proceeds from the contract harvesting sale.

Sec. 8. RCW 79.64.040 and 2001 c 250 s 16 are each amended to read as follows:

The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting public lands, provided that no deduction shall be made from the proceeds from agricultural college lands. Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section. The deductions authorized under this section shall in no event exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to public lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

In the event that the department sells logs using the contract harvesting process described in chapter 79.-- RCW (sections 2 through 5 of this act), the moneys received subject to this section are the net proceeds from the contract harvesting sale.

Sec. 9. RCW 43.85.130 and 1981 2nd ex.s. c 4 s 1 are each amended to read as follows:

(1) The department shall deposit daily all moneys and fees collected or received by the commissioner of public lands and the department of natural resources in the discharge of official duties as follows:

(a) The department shall pay moneys received as advance payments, deposits, and security from successful bidders under RCW 79.01.132 and 79.01.204 to the state treasurer for deposit under subsection (1)(b) of this section. Moneys received from unsuccessful bidders shall be returned as provided in RCW 79.01.204;

(b) The department shall pay all moneys received on behalf of a trust fund or account to the state treasurer for deposit in the trust fund or account after making the deduction authorized under RCW 76.12.030, 76.12.120, ~~((and))~~ 79.64.040, and section 4 of this act;

(c) The natural resources deposit fund is hereby created. The state treasurer is the custodian of the fund. All moneys or sums which remain in the custody of the commissioner of public lands awaiting disposition or where the final disposition is not known shall be deposited into the natural resources deposit fund. Disbursement from the fund shall be on the authorization of the commissioner or the commissioner's designee, without necessity of appropriation;

(d) If it is required by law that the department repay moneys disbursed under subsections (1)(a) and (1)(b) of this section the state treasurer shall transfer such moneys, without necessity of appropriation, to the department upon demand by the department from those trusts and accounts originally receiving the moneys.

(2) Money shall not be deemed to have been paid to the state upon any sale or lease of land until it has been paid to the state treasurer.

Sec. 10. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this

subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the contract harvesting revolving account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 84.33.078 and 1986 c 65 s 1 are each amended to read as follows:

When any timber standing on public land, other than federally owned land, is sold separate from the land, the department of natural resources or other governmental unit, as appropriate, shall state in its notice of the sale or prospectus that timber sold separate from the land is subject to property tax and that the amount of the tax paid may be used as a credit against any tax imposed with respect to business of harvesting timber from publicly owned land under RCW 84.33.041. If the timber from public land is harvested by the state, its departments and institutions and political subdivisions, or any municipal corporation therein, the governmental unit, or governmental units, that harvest or market the timber must provide the harvester purchasing the timber with its harvesting and marketing costs as defined in RCW 84.33.035(7).

Sec. 12. RCW 84.33.035 and 2001 c 249 s 1 and 2001 c 97 s 1 are each reenacted and amended to read as follows:

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

(1) "Agricultural methods" means the cultivation of trees that are grown on land prepared by intensive cultivation and tilling, such as irrigating, plowing, or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising trees such as Christmas trees and short-rotation hardwoods.

(2) "Average rate of inflation" means the annual rate of inflation as determined by the department averaged over the period of time as provided in RCW 84.33.220 (1) and (2). This rate shall be published in the state register by the department not later than January 1st of each year for use in that assessment year.

(3) "Composite property tax rate" for a county means the total amount of property taxes levied upon forest lands by all taxing districts in the county other than the state, divided by the total assessed value of all forest land in the county.

(4) "Forest land" is synonymous with "designated forest land" and means any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres that is or are devoted primarily to growing and harvesting timber. Designated forest land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(5) "Harvested" means the time when in the ordinary course of business the quantity of timber by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department.

(6) "Harvester" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use. When the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use, the harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in the timber. The term "harvester" does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(7) "Harvesting and marketing costs" means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues. Any other costs that are not directly and exclusively related to harvesting and marketing of the timber, such as costs of permanent roads or costs of reforesting the land following harvest, are not harvesting and marketing costs.

(8) "Incidental use" means a use of designated forest land that is compatible with its purpose for growing and harvesting timber. An incidental use may include a gravel pit, a shed or land used to store machinery or equipment used in conjunction with the timber enterprise, and any other use that does not interfere with or indicate that the forest land is no longer primarily being used to grow and harvest timber.

(9) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision authorized to levy special benefit assessments for sanitary or storm sewerage systems, domestic water supply or distribution systems, or road construction or improvement purposes.

(10) "Local improvement district" means any local improvement district, utility local improvement district, local utility district, road improvement district, or any similar unit created by a local government for the purpose of levying special benefit assessments against property specially benefited by improvements relating to the districts.

(11) "Owner" means the party or parties having the fee interest in land, except where land is subject to a real estate contract "owner" means the contract vendee.

(12) "Primarily" or "primary use" means the existing use of the land is so prevalent that when the characteristic use of the land is evaluated any other use appears to be conflicting or nonrelated.

(13) "Short-rotation hardwoods" means hardwood trees, such as but not limited to hybrid cottonwoods, cultivated by agricultural methods in growing cycles shorter than fifteen years.

(14) "Small harvester" means every person who from his or her own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding two million board feet in a calendar year. When the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein so fells, cuts, or takes timber for sale or for commercial or industrial use, not exceeding these amounts, the small harvester is the first person other than the United States or any instrumentality thereof, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein, who acquires title to or a possessory interest in the timber. Small harvester does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include the harvesters of Christmas trees or short-rotation hardwoods.

(15) "Special benefit assessments" means special assessments levied or capable of being levied in any local improvement district or otherwise levied or capable of being levied by a local government to pay for all or part of the costs of a local improvement and which may be levied only for the special benefits to be realized by property by reason of that local improvement.

(16) "Stumpage value of timber" means the appropriate stumpage value shown on tables prepared by the department under RCW 84.33.091, provided that for timber harvested from public land and sold under a competitive bidding process, stumpage value shall mean the actual amount paid

to the seller in cash or other consideration. The stumpage value of timber from public land does not include harvesting and marketing costs if the timber from public land is harvested by, or under contract for, the United States or any instrumentality of the United States, the state, including its departments and institutions and political subdivisions, or any municipal corporation therein. Whenever payment for the stumpage includes considerations other than cash, the value shall be the fair market value of the other consideration. If the other consideration is permanent roads, the value of the roads shall be the appraised value as appraised by the seller.

(17) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees and short-rotation hardwoods.

(18) "Timber assessed value" for a county means a value, calculated by the department before October 1st of each year, equal to the total stumpage value of timber harvested from privately owned land in the county during the most recent four calendar quarters for which the information is available multiplied by a ratio. The numerator of the ratio is the rate of tax imposed by the county under RCW 84.33.051 for the year of the calculation. The denominator of the ratio is the composite property tax rate for the county for taxes due in the year of the calculation, expressed as a percentage of assessed value.

(19) "Timber assessed value" for a taxing district means the timber assessed value for the county multiplied by a ratio. The numerator of the ratio is the total assessed value of forest land in the taxing district. The denominator is the total assessed value of forest land in the county. As used in this section, "assessed value of forest land" means the assessed value of forest land for taxes due in the year the timber assessed value for the county is calculated.

(20) "Timber management plan" means a plan prepared by a trained forester, or any other person with adequate knowledge of timber management practices, concerning the use of the land to grow and harvest timber. Such a plan includes:

- (a) A legal description of the forest land;
- (b) A statement that the forest land is held in contiguous ownership of twenty or more acres and is primarily devoted to and used to grow and harvest timber;
- (c) A brief description of the timber on the forest land or, if the timber on the land has been harvested, the owner's plan to restock the land with timber;
- (d) A statement about whether the forest land is also used to graze livestock;
- (e) A statement about whether the land has been used in compliance with the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW; and
- (f) If the land has been recently harvested or supports a growth of brush and noncommercial type timber, a description of the owner's plan to restock the forest land within three years.

NEW SECTION. Sec. 13. The department of natural resources must provide a report to the appropriate committees of the legislature concerning the costs and effectiveness of the contract harvesting program. The report must be submitted by December 31, 2005.

NEW SECTION. Sec. 14. Sections 2 through 5 of this act constitute a new chapter in Title 79 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "harvesting;" strike the remainder of the title and insert "amending RCW 76.12.030, 76.12.120, 79.64.040, 43.85.130, and 84.33.078; reenacting and amending RCW 43.84.092 and 84.33.035; adding a new chapter to Title 79 RCW; and creating new sections."

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6283 Prime Sponsor, Senator Gardner: Changing the monetary threshold for competitive bidding requirements for public hospital districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Without recommendation: Signed by Representative Crouse.

Voting yea: Representatives Dunshee, Edwards, Mulliken, DeBolt, Dunn, Kirby, Mielke and Sullivan.

Voting nay: Representative Crouse.

Excused: Representatives Berkey and Hatfield.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6286 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising provisions relating to the time permitted for review by the indeterminate sentence review board of sex offenders who are sentenced to short sentences under RCW 9.94A.712. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.95.420 and 2001 2nd sp.s. c 12 s 306 are each amended to read as follows:

(1)(a) Except as provided in (c) of this subsection, before the expiration of the minimum term, as part of the end of sentence review process under RCW 72.09.340, 72.09.345, and where appropriate, 72.09.370, the department shall conduct, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(b) The board may contract for an additional, independent examination, subject to the standards in this section.

(c) If at the time the sentence is imposed by the superior court the offender's minimum term has expired or will expire within one hundred twenty days of the sentencing hearing, the department shall conduct, within ninety days of the offender's arrival at a department of corrections facility, and the offender shall participate in, an examination of the offender, incorporating methodologies that are recognized by experts in the prediction of sexual dangerousness, and including a prediction of the probability that the offender will engage in sex offenses if released.

(2) The board shall impose the conditions and instructions provided for in RCW 9.94A.720. The board shall consider the department's recommendations and may impose conditions in addition to

those recommended by the department. The board may impose or modify conditions of community custody following notice to the offender.

(3)(a) Except as provided in (b) of this subsection, no later than ninety days before expiration of the minimum term, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

(b) If at the time the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival at a department of correction's facility, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions to be set by the board. The board may consider an offender's failure to participate in an evaluation under subsection (1) of this section in determining whether to release the offender. The board shall order the offender released, under such affirmative and other conditions as the board determines appropriate, unless the board determines by a preponderance of the evidence that, despite such conditions, it is more likely than not that the offender will commit sex offenses if released. If the board does not order the offender released, the board shall establish a new minimum term, not to exceed an additional two years.

Sec. 2. RCW 9.95.011 and 2001 2nd sp.s. c 12 s 320 are each amended to read as follows:

(1) When the court commits a convicted person to the department of corrections on or after July 1, 1986, for an offense committed before July 1, 1984, the court shall, at the time of sentencing or revocation of probation, fix the minimum term. The term so fixed shall not exceed the maximum sentence provided by law for the offense of which the person is convicted.

The court shall attempt to set the minimum term reasonably consistent with the purposes, standards, and sentencing ranges adopted under RCW 9.94A.850, but the court is subject to the same limitations as those placed on the board under RCW 9.92.090, 9.95.040 (1) through (4), 9.95.115, 9A.32.040, 9A.44.045, and chapter 69.50 RCW. The court's minimum term decision is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

Thereafter, the expiration of the minimum term set by the court minus any time credits earned under RCW 9.95.070 and 9.95.110 constitutes the parole eligibility review date, at which time the board may consider the convicted person for parole under RCW 9.95.100 and 9.95.110 and chapter 72.04A RCW. Nothing in this section affects the board's authority to reduce or increase the minimum term, once set by the court, under RCW 9.95.040, 9.95.052, 9.95.055, 9.95.070, 9.95.080, 9.95.100, 9.95.115, 9.95.125, or 9.95.047.

(2)(a) Except as provided in (b) of this subsection, not less than ninety days prior to the expiration of the minimum term of a person sentenced under RCW 9.94A.712, for a sex offense committed on or after ((July)) September 1, 2001, less any time credits permitted by statute, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

(b) If at the time a person sentenced under RCW 9.94A.712 for a sex offense committed on or after September 1, 2001, arrives at a department of corrections facility, the offender's minimum term has expired or will expire within one hundred twenty days of the offender's arrival, then no later than one hundred twenty days after the offender's arrival at a department of corrections facility, but after the

board receives the results from the end of sentence review process and the recommendations for additional or modified conditions of community custody from the department, the board shall review the person for conditional release to community custody as provided in RCW 9.95.420. If the board does not release the person, it shall set a new minimum term not to exceed an additional two years. The board shall review the person again not less than ninety days prior to the expiration of the new minimum term.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6293 Prime Sponsor, Senator Kline: Hearing certain criminal actions by video or other electronic means. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6301 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Allowing the issuance of a group fishing permit to a facility. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.32 RCW to read as follows:

A group fishing permit allows a group of individuals to fish and harvest shellfish without individual licenses or the payment of individual license fees. The director must issue a group fishing permit on a seasonal basis to a state-operated facility or state-licensed nonprofit facility or program for physically or mentally disabled persons, mentally ill persons, hospital patients, handicapped persons, seriously or terminally ill persons, persons who are dependent on the state because of emotional or physical developmental disabilities, or senior citizens who are in the care of the facility. The permit is valid only for use during open season.

The commission must adopt rules that provide the conditions under which a group fishing permit must be issued.

NEW SECTION. Sec. 2. RCW 77.32.235 (Group permits--Exemption from individual license and fee requirement--Conditions) and 1998 c 191 s 20, 1990 c 35 s 4, & 1984 c 33 s 1 are each repealed."

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6321 Prime Sponsor, Senator Gardner: Allowing candidates to file electronically. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6323 Prime Sponsor, Senator Gardner: Revising initiative filing fee procedures. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6324 Prime Sponsor, Senator Gardner: Directing a statewide voter registration data base. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6325 Prime Sponsor, Senator Gardner: Modifying the administration of elections. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6328 Prime Sponsor, Senator Parlette: Changing the definition of cherry harvest temporary labor camp. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6329 Prime Sponsor, Senate Committee on Environment, Energy & Water: Exempting certain hybrid vehicles from emission control inspection requirements. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6338 Prime Sponsor, Senator Keiser: Modifying the consumer loan act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6350 Prime Sponsor, Senate Committee on Transportation: Allowing use of county road funds for state highway improvements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan and Wood.

Voting yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner and Wood.

Excused: Representatives Sullivan and Woods.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6351 Prime Sponsor, Senate Committee on Education: Requiring notification policies regarding threats at schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.320 RCW to read as follows:

(1) By September 1, 2003, each school district board of directors shall adopt a policy that addresses the following issues:

(a) How information relating to a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, that is provided to the school administrators will then be provided to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified;

(b) A definition of "threats of violence or harm"; and

(c) Whether or not any such threat of violence or harm made by a student may be grounds for immediate suspension or expulsion of the student.

(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021."

On page 1, line 1 of the title, after "students;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; and prescribing penalties."

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

2SSB 6353 Prime Sponsor, Senate Committee on Ways & Means: Concerning the use of migratory bird stamp and migratory bird validation fees. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 77.32.350 and 2000 c 107 s 270 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for western Washington pheasant or migratory birds.

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant.

(2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:

(a) For the resident and nonresident full season option, thirty-six dollars;

(b) For the youth full season option, eighteen dollars;

(c) For the three-day option, twenty dollars.

~~(3) ((A migratory bird stamp affixed to a hunting license designated by rule of the commission is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the stamp for hunters is six dollars for residents and nonresidents. The fee for the stamp for collectors is six dollars.~~

~~(4) The migratory bird stamp shall be validated by the signature of the licensee written across the face of the stamp))~~ A migratory bird validation is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the validation for hunters is ten dollars for residents and nonresidents. The fee for the stamp for collectors is ten dollars.

(4) The migratory bird license must be validated at the time of signature of the licensee.

Sec. 2. RCW 77.12.670 and 1998 c 191 s 32 are each amended to read as follows:

(1) The migratory bird stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

(2) All revenue derived from the sale of ~~((the))~~ migratory bird license validations or stamps by the department to any person hunting waterfowl or to any stamp collector shall be deposited in the state wildlife fund and shall be used only for that portion of the cost of printing and production of the stamps for migratory waterfowl hunters as determined by subsection (4) of this section, and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Migratory bird license validation and stamp funds may not be used on lands controlled by private hunting clubs or on private lands that charge a fee for public access. Migratory bird license validation and stamp funds may be used for migratory waterfowl projects on private land where public hunting is provided by written permission or on areas established by the department as waterfowl hunting closures.

(3) All revenue derived from the sale of the license validation and stamp by the department to persons hunting solely nonwaterfowl migratory birds shall be deposited in the state wildlife fund and shall be used only for that portion of the cost of printing and production of the stamps for nonwaterfowl migratory bird hunters as determined by subsection (4) of this section, and for those nonwaterfowl migratory bird projects specified by the director for the acquisition and development of nonwaterfowl

migratory bird habitat in the state and for the enhancement, protection, and propagation of nonwaterfowl migratory birds in the state.

(4) With regard to the revenue from license validation and stamp sales that is not the result of sales to stamp collectors, the department shall determine the proportion of migratory waterfowl hunters and solely nonwaterfowl migratory bird hunters by using the yearly migratory bird hunter harvest information program survey results or, in the event that these results are not available, other similar survey results. A two-year average of the most recent survey results shall be used to determine the proportion of the revenue attributed to migratory waterfowl hunters and the proportion attributed to solely nonwaterfowl migratory bird hunters for each fiscal year. For fiscal year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the stamp revenue shall be attributed to migratory waterfowl hunters and four percent of the stamp revenue shall be attributed to solely nonwaterfowl migratory game hunters.

(5) Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, ~~((insure))~~ ensure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to ~~((insure))~~ ensure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission, but may not charge a fee for access.

(6) The department may produce migratory bird stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public."

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Buck; Eickmeyer; Jackley; McDermott; Pearson and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Ericksen and Orcutt.

Voting yea: Representatives Doumit, Rockefeller, Buck, Eickmeyer, Jackley, McDermott, Pearson and Upthegrove.

Voting Nay: Representatives Sump, Ericksen and Orcutt.

Referred to Committee on Appropriations.

February 28, 2002

2SSB 6356 Prime Sponsor, Senate Committee on Ways & Means: Creating the children's environmental health and protection advisory council. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that children in the state face many preventable exposures to environmental hazards in their schools, homes, and communities. In certain cases children are at greater risk than adults for exposure to and possible illness from environmental hazards. This is due in part to their behaviors but also to their decreased ability to detoxify certain substances due to the immaturity of their body organs and immune systems.

The legislature further finds that higher rates of poverty place children of ethnic and minority communities at disproportionate risk for environmental exposures due to inadequate housing, poor nutrition, and limited access to health care. Solutions to complex environmental health problems require the ongoing communication, collaboration, and cooperation of affected communities.

NEW SECTION. Sec. 2. As used in this act, "environmental hazard" means one or a group of toxic chemical, biological, or physical agents in the environment, resulting from human activities or natural processes, that may impact the health of exposed children, including such pollutants as lead, pesticides, air pollutants, contaminated drinking water, polluted waters, toxic waste, polychlorinated biphenyls, secondhand tobacco smoke, and industrial and home chemicals.

NEW SECTION. Sec. 3. (1) The children's environmental health and protection advisory council is created.

(2) Membership of the advisory council shall consist of fifteen members. The president of the senate shall appoint one member of the majority party and one member of the minority party. The speaker of the house of representatives shall appoint one member from each party. The other members shall include: The secretary of the department of health or designee; the secretary of the department of ecology or designee; the secretary of the department of agriculture or designee; the superintendent of public instruction or designee; the secretary of the department of social and health services or designee; the secretary of the department of labor and industries or designee; one member of the state board of health; one tribal representative, appointed by the governor; one licensed pediatric health care provider with expertise in the field of children's environmental health, appointed by the governor; one parent or guardian whose child has been clinically diagnosed with exposure to an environmental health hazard, appointed by the governor; and an expert in the field of environmental toxicology, appointed by the governor.

(3) Members of the advisory council shall serve without compensation.

(4) The board of health shall provide staff support and administrative assistance to the advisory council.

NEW SECTION. Sec. 4. The advisory council shall, beginning in 2003:

(1) Meet at least four times a year;

(2) Review and comment on existing laws, rules, regulations, and standards to ensure that they adequately protect the health of children from environmental hazards;

(3) Work collaboratively with state agencies and others without duplicating current work in this area; and

(4) Report to the governor and the legislature by December 1, 2003, and December 1, 2004, with recommendations on changes in regulation that would reduce children's exposure to environmental hazards and recommendations for collaborative approaches to public education.

NEW SECTION. Sec. 5. The state board of health may solicit, accept, and spend gifts, grants, bequests, devises, and other funds from public and private sources to fund the activities of the children's environmental health and protection advisory council created under section 3 of this act. Funding for the state board of health and state agencies directed to participate in and support the activities of the children's environmental health and protection advisory council shall be provided from funds acquired according to this section and any existing resources these agencies may be able to direct toward these purposes.

NEW SECTION. Sec. 6. This act expires June 30, 2005."

Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby; Quall and Roach.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby, Quall and Roach.
Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist and Sump.

Referred to Committee on Appropriations.

February 28, 2002

SSB 6364 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions:
Implementing recommendations of the joint legislative task force on
mobile/manufactured home alteration and repair. Reported by Committee on
Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 6, line 28, after "home" strike ", "

On page 6, beginning on line 29, after "43.22.440" strike the remainder of the subsection and insert ". If, after an inspection requested by any party to a sale, including a party financing the sale, the department determines that an alteration may constitute a hazard to life, safety, or health, the department shall so notify the parties in writing within thirty days of completing the inspection and may notify the local official responsible for enforcing the uniform fire code adopted under chapter 19.27 RCW or local health officer, as applicable, within the relevant jurisdiction."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking
Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and
McMorris.

Voting yea: Representatives Conway, Wood, Clements, Kenney and Lysen.
Voting nay: Representatives Chandler and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6368 Prime Sponsor, Senate Committee on Health & Long-Term Care: Developing a
comprehensive prescription drug education and utilization system. Reported by
Committee on Health Care

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that prescription drugs are an effective and important part of efforts to maintain and improve the health of Washington state residents. Yet prescription drug expenditures in both the public and private sectors are growing at rates far in excess of consumer or medical inflation, placing a strain on the ability of public and private health care purchasers to continue to offer comprehensive health benefits coverage. In addition, inappropriate use of prescription drugs can have serious health consequences for Washington state residents.

(2) It is the intent of the legislature to develop a comprehensive prescription drug education and utilization system in Washington state that will ensure best prescribing practices and pharmaceutical use, reduce administrative burdens on providers, increase consumer understanding of and compliance with appropriate use of prescription drugs, help to control increases in consumer and state health care spending, and improve prescription drug purchasing through a sound evidence-based process that evaluates the therapeutic value and cost-effectiveness of prescription drugs.

Sec. 2. RCW 41.05.011 and 2001 c 165 s 2 are each amended to read as follows:

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

(1) "Administrator" means the administrator of the authority.

(2) "State purchased health care" or "health care" means medical and health care, pharmaceuticals, and medical equipment purchased with state and federal funds by the department of social and health services, the department of health, the basic health plan, the state health care authority, the department of labor and industries, the department of corrections, the department of veterans affairs, and local school districts.

(3) "Authority" means the Washington state health care authority.

(4) "Insuring entity" means an insurer as defined in chapter 48.01 RCW, a health care service contractor as defined in chapter 48.44 RCW, or a health maintenance organization as defined in chapter 48.46 RCW.

(5) "Flexible benefit plan" means a benefit plan that allows employees to choose the level of health care coverage provided and the amount of employee contributions from among a range of choices offered by the authority.

(6) "Employee" includes all full-time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full-time members of boards, commissions, or committees; and includes any or all part-time and temporary employees under the terms and conditions established under this chapter by the authority; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the state legislature or of the legislative authority of any county, city, or town who are elected to office after February 20, 1970. "Employee" also includes: (a) Employees of a county, municipality, or other political subdivision of the state if the legislative authority of the county, municipality, or other political subdivision of the state seeks and receives the approval of the authority to provide any of its insurance programs by contract with the authority, as provided in RCW 41.04.205; (b) employees of employee organizations representing state civil service employees, at the option of each such employee organization, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, at the option of each such employee organization; and (c) employees of a school district if the authority agrees to provide any of the school districts' insurance programs by contract with the authority as provided in RCW 28A.400.350.

(7) "Board" means the public employees' benefits board established under RCW 41.05.055.

(8) "Retired or disabled school employee" means:

(a) Persons who separated from employment with a school district or educational service district and are receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation receive a retirement allowance under chapter 41.32, 41.35, or 41.40 RCW;

(c) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35, or 41.40 RCW.

(9) "Benefits contribution plan" means a premium only contribution plan, a medical flexible spending arrangement, or a cafeteria plan whereby state and public employees may agree to a contribution to benefit costs which will allow the employee to participate in benefits offered pursuant to 26 U.S.C. Sec. 125 or other sections of the internal revenue code.

(10) "Salary" means a state employee's monthly salary or wages.

(11) "Participant" means an individual who fulfills the eligibility and enrollment requirements under the benefits contribution plan.

(12) "Plan year" means the time period established by the authority.

(13) "Separated employees" means persons who separate from employment with an employer as defined in:

(a) RCW 41.32.010(11) on or after July 1, 1996; or

(b) RCW 41.35.010 on or after September 1, 2000; or

(c) RCW 41.40.010 on or after March 1, 2002;

and who are at least age fifty-five and have at least ten years of service under the teachers' retirement system plan 3 as defined in RCW 41.32.010(40), the Washington school employees' retirement system plan 3 as defined in RCW 41.35.010, or the public employees' retirement system plan 3 as defined in RCW 41.40.010.

(14) "Emergency service personnel killed in the line of duty" means law enforcement officers and fire fighters as defined in RCW 41.26.030, and reserve officers and fire fighters as defined in RCW 41.24.010 who die as a result of injuries sustained in the course of employment as determined consistent with Title 51 RCW by the department of labor and industries.

(15) "Preferred drug" means the drug or drugs of choice within a selected therapeutic class, as determined by the process established in section 3 of this act.

(16) "Prior authorization" means a process requiring the prescriber or the dispenser to verify with an agency participating in the preferred drug program or its contractor that the proposed medical use of a particular medicine for a patient meets predetermined criteria for payment by the program.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

The administrator, in concert with other state agencies involved in state purchased health care, must begin implementation of a preferred drug program by January 1, 2003. The preferred drug program is initially limited to fee-for-service prescription drug purchasing through medical assistance programs under chapter 74.09 RCW, the uniform medical plan under this chapter, and other state purchased health care programs. The administrator must include bulk purchased prescription drugs in the preferred drug program according to a timetable of the administrator's choosing. The preferred drug program shall not be applied to health care purchased through managed care contracts with carriers for state purchased health care programs. In implementing the preferred drug program, the administrator may adopt rules, and must:

(1) Use a nationally recognized listing of therapeutic classes of drugs, such as those published by first databank or the American society of health system pharmacists, to place drugs into therapeutic classes;

(2) Identify for initial consideration those classes of drugs for which agencies have substantial annual aggregate fee-for-service expenditures;

(3) Exempt the following drug classes from inclusion on any preferred drug list:

(a) Antipsychotics;

(b) Chemotherapy;

(c) Antiretroviral drugs;

(d) Immunosuppressants; and

(e) Hypoglycemia rescue agents;

(4) Contract with one or more qualified, independent entities to determine which drugs within each of the identified therapeutic classes are essentially equal in terms of safety, efficacy, and outcomes. Upon request of the pharmacy and therapeutics committee or the authority, manufacturers must submit dossiers containing clinical and economic data utilizing the academy of managed care pharmacy format for preferred drug list submissions. The dossier must include any available data, research, or information on the effectiveness of the drug for treatment of women and racial and ethnic minorities. The pharmacy and therapeutics committee or the administrator shall request the dossier from a manufacturer within thirty days of food and drug administration approval of any new drug that is in a therapeutic class included in the preferred drug list. The pharmacy and therapeutics committee or the authority must provide the dossier to the contracted entity, who will base its determinations on the strength of scientific evidence and standards of practice that include, but are not limited to:

(a) Assessing peer-reviewed medical literature, including randomized clinical trials (especially drug comparison studies), pharmacoeconomic studies, and outcomes research data;

(b) Employing published practice guidelines developed by an acceptable evidence-based process;

(c) Comparing the efficacy as well as the type and frequency of side effects and potential drug interactions among alternative drug products in the class under review;

(d) Assessing the likely impact of a drug product on patient compliance when compared to alternative drug products in the class under review; and

(e) Thoroughly evaluating the benefits, risks, and potential outcomes for patients, including adverse drug events. To expedite development of the preferred drug list, the administrator, the independent entity chosen under this subsection, and the pharmacy and therapeutics committee must make maximum use of sound evidence-based prescription drug reviews that have been completed by independent experts, giving consideration to the needs and characteristics of populations, including racial and ethnic minorities, served by state purchased health care programs;

(5) Submit the determinations made under subsection (4) of this section to the pharmacy and therapeutics committee established in section 5 of this act, which must incorporate them into recommendations to the administrator as provided in section 5 of this act;

(6) Develop a preferred drug list based on the recommendations of the pharmacy and therapeutics committee. For each therapeutic class considered, the list must identify the drugs determined to be essentially equal and, from among those, which ones are the preferred drugs. If a particular class of drugs will be used in a disease management program developed under section 12 of this act, an effort shall be made to ensure that the preferred drugs in that class are consistent with protocols or algorithms used in the disease management program. The pharmacy and therapeutics committee or the administrator will revise the preferred drug list annually or as needed, to be determined by new drug approvals, recalls, or new scientific evidence that may change a given drug's status or use, or as necessary to meet the objectives of this act. Each state agency that purchases or provides health care services must adopt the preferred drug list consistent with the scope of benefits offered through programs administered by that agency;

(7) Directly or through interagency agreement, distribute the initial preferred drug list, and any subsequent revisions, to every provider with prescriptive authority with whom an agency has a core provider agreement, including with it a description of how the list was developed, how it will be used, and requesting his or her endorsement;

(8) Ensure that a prescriber who does not endorse the list must do so in writing to the administrator and is subject to prior authorization as provided in section 6(2) of this act;

(9) Require any pharmacist filling a prescription under the preferred drug program established under section 3 or 10 of this act from a prescriber who has endorsed the preferred drug list to substitute a preferred drug for any nonpreferred drug in a given therapeutic category, unless the prescriber has indicated on the prescription that the nonpreferred drug must be dispensed as written, in which case the pharmacist must dispense the nonpreferred drug as written. When a substitution is made, or a preferred drug within a therapeutic class changes, the prescriber will be notified in writing by the dispensing pharmacist of the specific drug and dose dispensed;

(10) The administrator must either provide each pharmacy with a listing of the prescribers who have endorsed the preferred drug list or include that information in the electronic claim adjudication system of each state drug purchasing program so that the pharmacist may easily determine when substitution of a preferred drug has been authorized.

NEW SECTION. **Sec. 4.** A new section is added to chapter 41.05 RCW to read as follows:

To complement the preferred drug program established in section 3 of this act, the administrator must, in concert with state agencies involved in state purchased health care:

(1) Implement a program of academic detailing and client counterdetailing that educates physicians and other prescribers, and clients of state purchased health care, on the cost-effective utilization of prescription drugs on the preferred drug list;

(2) By July 1, 2004, use electronic drug claims processing and information retrieval systems to analyze pharmacy and medical claims to identify those prescribers who request that prescriptions for nonpreferred drugs be dispensed as written on a more frequent basis than their peers. In consultation with the Washington state medical association and other prescriber organizations, the administrator must develop strategies to provide early educational information to the identified prescribers as needed to improve prescribing practices and prescription drug utilization. If a substantial number of prescribers in a peer group are frequently prescribing nonpreferred drugs in one or more therapeutic class, the administrator must provide the pharmacy and therapeutics committee created under section 5

of this act with information on these prescribing patterns to enable the committee to review their recommendations related to affected therapeutic classes;

(3) Conduct a feasibility study of developing a system to periodically provide a complete drug profile of persons covered through state purchased health care programs to health care providers caring for those persons; and

(4) Appoint an advisory committee of prescribers and consumers to provide input on the design and implementation of the education and outreach programs authorized under this section. The advisory committee shall contain at least three consumers representing individuals with a chronic disease, the elderly, and racial or ethnic minorities.

NEW SECTION. **Sec. 5.** A new section is added to chapter 41.05 RCW to read as follows:

(1) A pharmacy and therapeutics committee is established to assist the administrator, and other agencies involved in state purchased health care, in the development and implementation of a preferred drug program.

(2) The committee consists of nine members, to be appointed by the governor as follows:

(a) Four physicians licensed under chapter 18.57 or 18.71 RCW in this state and actively engaged in the practice of medicine, at least one of whom is employed by a carrier as defined in RCW 48.43.005, chosen from a list of nominees provided by the Washington state medical association, and at least one of whom must have significant experience in serving racial and ethnic minority communities;

(b) One advanced registered nurse practitioner licensed in this state and actively engaged in the practice of nursing chosen from a list of nominees provided by the Washington state nurses association;

(c) Three pharmacists licensed in this state and actively engaged in the practice of pharmacy chosen from a list of nominees provided by the Washington state pharmacists association; and

(d) One person with background experience, education, or expertise in pharmacoeconomics.

(3) No member of the committee may be employed by a pharmaceutical manufacturer, or be employed by any agency administering "state purchased health care," as defined in RCW 41.05.011. As a condition of appointment to the committee, each member must disclose any potential conflict of interest, including receipt of any remuneration, grants, or other compensation from a pharmaceutical manufacturer.

(4) Committee members serve staggered three-year terms. Of the initial members, one physician, the advanced registered nurse practitioner, and one pharmacist must each be appointed for two-year terms, and one physician and one pharmacist must each be appointed for one-year terms. The remaining committee members must be appointed for three-year terms. Members may be reappointed for a period not to exceed two three-year terms. Vacancies on the committee must be filled for the balance of the unexpired term from nominee lists for the appropriate committee category as provided under subsection (2) of this section.

(5) Committee members must select a chair and a vice-chair on an annual basis from the committee membership.

(6) The administrator must enter into a confidentiality agreement with any private contractor or state employee who has access to proprietary or confidential nonpublished data that is in the custody of the pharmacy and therapeutics committee established under this section. The failure of any contractor to adhere to the terms of the confidentiality agreement is grounds for termination of the contract by the administrator. Unauthorized disclosure of proprietary or confidential nonpublished data by any contractor or their employee, or by any employee of a state agency, is punishable as a class C felony.

(7) The authority shall provide staff support to the committee. Committee members shall be compensated for their service and shall be reimbursed for expenses pursuant to RCW 43.03.050 and 43.03.060.

(8) The members of the committee are immune from civil liability for any official acts performed in good faith as members of the committee.

(9) The committee must:

(a) Recommend to the administrator, and other agencies involved in state purchased health care, which drugs should be identified as preferred drugs from among those determined, pursuant to section 3(4) of this act, to be essentially equal in terms of safety, efficacy, and outcomes. In updating

the preferred drug list, the pharmacy and therapeutics committee shall complete its review and submit recommendations to the administrator within one hundred twenty days from the date of receipt of the dossier under section 3 of this act. In making these recommendations, the committee must consider, among other factors, the relative cost-effectiveness of the drugs being considered, and the impact of each drug on the state's overall health care expenditures.

(b) Make recommendations regarding the rules to be adopted by the administrator and other state agencies involved in state purchased health care to implement the preferred drug program; and

(c) Make recommendations regarding the preferred drug list development and review process, and program implementation, as necessary to achieve the objectives of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

The administrator must design, in concert with state agencies involved in state purchased fee-for-service health care, a uniform drug utilization review program for state purchased health care that meets the requirement of Title XIX of the social security act. Each state agency that purchases or provides health care services must adopt the uniform drug utilization review program for its fee-for-service purchasing consistent with the scope of benefits offered through programs administered by that agency, and may implement it directly or by contract or interagency agreement. The program must include but is not limited to prescription drug review, management, and education, including prospective, concurrent, and retrospective review. The program shall improve the quality of pharmaceutical care by ensuring that prescription drugs provided through state purchased fee-for-service health care programs advance quality clinical outcomes and are appropriate, medically necessary, and not likely to produce adverse medical results. Drugs exempted from the preferred drug list under section 3(3) of this act may be included in the drug utilization review program. The program also must identify clients utilizing large numbers of prescription drugs, and develop strategies to enhance coordination of care for these individuals.

(1) The administrator shall establish a drug utilization review committee either directly or through a contract with a private organization to assist in development and implementation of the drug utilization review program. The committee must be composed primarily of actively practicing health care professionals licensed to practice in the state of Washington and must include at least one person representing consumers of state purchased health care. Additional specialty expertise must be obtained as needed. Employees of agencies that purchase health services cannot be a member of the drug utilization review committee but will provide staff support to the committee. Upon establishment of the committee, the department of social and health services shall disband the drug utilization review committee under the medical assistance administration.

(2) The administrator and state purchased health care programs may use prior authorization as a means of concurrent drug utilization review.

(a) Upon incorporation of a therapeutic class into the preferred drug list, existing prior authorization procedures applicable to that therapeutic class shall cease, and the prior authorization provisions of this section shall apply.

(b) A drug in a class that has been reviewed for the preferred drug list established under section 3 of this act may be subject to prior authorization in only limited circumstances, based upon factors such as the relative cost-effectiveness of the drug, and whether the drug has a narrow therapeutic indication, presents a risk of inappropriate utilization, or poses significant safety concerns. Consideration of the cost-effectiveness of a drug cannot be based solely upon the price of the drug itself.

(c) A drug newly approved by the federal food and drug administration that has not yet been reviewed under section 3 of this act may be subject to prior authorization only where clinically indicated to avoid health risks to patients. Drugs identified in section 3(3) of this act may be subject to prior authorization where clinically indicated.

(d) Any prior authorization process must include clear standards and procedures for a process to ensure consumer access to medically necessary drugs. No preferred drug list can account for every therapeutic eventuality or unique patient need. Prior authorization procedures must neither pose a substantial barrier to the prescribing health care professional nor hinder the consumer's ability to receive necessary medication in a safe and timely manner. A prior authorization program must provide

for: (i) A response within twenty-four hours after receipt of a request for prior authorization; and (ii) the dispensing of at least a seventy-two hour supply of the requested drug in an emergency situation.

(e) A prescriber who does not endorse the preferred drug list is subject to a broader scope of prior authorization as determined by the agency administering a state purchased health care program.

(3) Nothing in chapter 42.30 RCW prevents the drug utilization review committee from holding an executive session during a regular or special meeting of the committee to review and discuss proprietary or confidential nonpublished data that relates to development or implementation of the drug utilization review program.

(4) The administrator must enter into a confidentiality agreement with any private contractor or state employee who has access to proprietary or confidential nonpublished data that is in the custody of any drug utilization review committee established under this section. The failure of any contractor to adhere to the terms of the confidentiality agreement is grounds for termination of the contract by the administrator. Unauthorized disclosure of proprietary or confidential nonpublished data by any contractor or their employee, or by any employee of a state agency, is punishable as a class C felony.

(5) A person who serves on a drug utilization review committee established under this section is immune from civil liability for actions taken in good faith as a member of the committee.

Sec. 7. RCW 42.30.110 and 2001 c 216 s 1 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider, in the case of the pharmacy and therapeutics committee established in section 5 of this act or the drug utilization review committee established in section 6 of this act, proprietary or confidential nonpublished information that relates to the development or revision of the preferred drug list, the designation of a drug for prior authorization, or the conduct of the drug utilization review program.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

Sec. 8. RCW 41.05.026 and 1991 c 79 s 1 are each amended to read as follows:

(1) When soliciting proposals for the purpose of awarding contracts for goods or services, the administrator shall, upon written request by the bidder, exempt from public inspection and copying such proprietary data, trade secrets, or other information contained in the bidder's proposal that relate to the bidder's unique methods of conducting business or of determining prices or premium rates to be charged for services under terms of the proposal.

(2) Actuarial formulas, statistics, cost and utilization data, or other proprietary information submitted upon request of the administrator or board by a contracting insurer, health care service contractor, health maintenance organization, or vendor may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

(3) Proprietary information submitted upon request of the administrator or the pharmacy and therapeutics committee established under section 5 of this act by any vendor or pharmaceutical manufacturer for the purpose of analyzing and developing prescription drug education and utilization systems, a preferred drug list, a drug utilization review program, and consolidated prescription drug purchasing for state purchased health care programs may be withheld at any time from public inspection when necessary to preserve trade secrets or prevent unfair competition.

(4) The board, the pharmacy and therapeutics committee established in section 5 of this act, or the drug utilization review committee established in section 6 of this act may hold an executive session in accordance with chapter 42.30 RCW during any regular or special meeting to discuss information submitted in accordance with subsection (1) (~~(1)~~), (2), or (3) of this section.

(5) A person who challenges a request for or designation of information as exempt under this section is entitled to seek judicial review pursuant to chapter 42.17 RCW.

Sec. 9. RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001 c 70 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by

RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities

affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, the public disclosure of which would have a substantial likelihood of threatening public safety.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa) Information obtained by the health care authority or the pharmacy and therapeutics committee under RCW 41.05.026.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 10. A new section is added to chapter 41.05 RCW to read as follows:

(1) The administrator is authorized to engage in consolidated prescription drug purchasing. The authority granted the administrator by this section shall be liberally construed to achieve the purposes of this act.

(2) Within one year following initial adoption of the preferred drug list for state purchased health care, units of local government, private entities, and individuals who lack prescription drug coverage must be offered an opportunity to participate on a purely voluntary basis in the purchasing

cooperative resulting from adoption of the preferred drug list. The administrator may charge reasonable administrative fees to units of local government and private entities who choose to participate in the purchasing cooperative.

(3) For purposes of this section, "voluntary participation" for individuals who lack prescription drug coverage means that, following payment of a reasonable annual enrollment fee, these individuals can benefit from any price discounts obtained from prescription drug manufacturers through adoption of the preferred drug list. The administrator must develop mechanisms to ensure that pharmacies filling prescriptions for individuals participating voluntarily in the purchasing cooperative recover any discounts given to these individuals through their participation in the cooperative.

(4) The administrator shall establish an advisory committee representing units of local government, organized labor, private entities, retail pharmacists, and consumers to develop an implementation plan for the opportunity to participate as authorized by this section. The advisory committee shall submit an implementation plan to the appropriate committees of the senate and house of representatives by September 15, 2003.

NEW SECTION. Sec. 11. A new section is added to chapter 41.05 RCW to read as follows:

The consolidated prescription drug purchasing account is created in the custody of the state treasurer. All receipts from the fees from the preferred drug purchasing cooperative created in section 10 of this act must be deposited into the account. Expenditures from the account may be used only for the purposes of this act. Only the administrator or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 12. A new section is added to chapter 41.05 RCW to read as follows:

The administrator, in concert with agencies involved in state purchased health care, must implement at least two disease management programs for persons covered through state purchased fee for service health care programs or served in state operated facilities. The programs must begin operation by July 1, 2003.

(1) The administrator, in concert with agencies involved in state purchased health care, must determine the disease groups most appropriate for disease management and the state purchased health care programs to which the disease management programs will apply, after reviewing claims and cost information and research on the effectiveness of disease management programs. The following disease groups should first be considered for disease management programs: Asthma, diabetes, cardiovascular disease, malignancies, mental disorders, obesity, hemophilia, renal disease, transplants, intervertebral disc disorders, and populations at highest risk of improper use of medication.

(2) Each disease management program must include physicians, pharmacists, and other appropriate health care providers in the design and implementation of the program. Drug classes exempted under section 3(3) of this act must be integrated into disease management programs as appropriate. Providers may not be required to participate in a disease management program as a condition of contracting to provide state purchased health care services.

(3) The programs must incorporate an evaluation component that allows the administrator to identify successful programs that are candidates for statewide expansion. The evaluation should consider the impact of the disease management program upon the health status of participating enrollees, the use of health services by these enrollees, the impact on the state's overall health care expenditures, the coverage of comorbidities associated with the selected disease group, and the overall costs of treating these enrollees.

(4) In addition to the programs established under this section, the administrator and the secretary of the department of social and health services shall consider means to promote awareness of antibiotic resistance among individuals and health care providers who participate in state health care programs.

NEW SECTION. Sec. 13. A new section is added to chapter 41.05 RCW to read as follows:

The administrator may solicit and accept grants or other funds from public and private sources to support consumer and provider education, disease management programs, and other related activities

under this act. Any grants or funds received may be used to enhance these activities as long as program standards established by the administrator are maintained.

NEW SECTION. Sec. 14. A new section is added to chapter 41.05 RCW to read as follows:

Any savings to health care benefit programs administered by the public employees' benefits board that result from implementation of the prescription drug education and utilization system under this act must be deposited into the public employees' and retirees' insurance account established under RCW 41.05.120. In developing its annual budget proposal for public employee health benefits, the administrator must consider the extent to which implementation of the preferred drug program has moderated increases in public employee health benefit costs and attempt to reflect that moderation in employee cost-sharing.

NEW SECTION. Sec. 15. A new section is added to chapter 41.05 RCW to read as follows:

(1) By January 1, 2003, the administrator must submit to the governor and the health care and fiscal committees of the legislature a progress report regarding the implementation of the prescription drug education and utilization system. The report must include a description of the extent to which the evidence-based review has been incorporated into the preferred drug list, and any prior authorization policies or procedures that have been developed.

(2) By January 1, 2004, and January 1, 2005, the administrator must submit to the governor and the health care and fiscal committees of the legislature a report on the impacts of the prescription drug education and utilization system. The report must address whether the activities under this act have succeeded in promoting improved clinical outcomes and cost-effective drug utilization and report specifically on the status and outcomes associated with the pilot disease management programs established under section 12 of this act. The report must include a description of the extent to which the evidence-based review has been incorporated into the preferred drug list, and any prior authorization policies or procedures that have been developed. The report may present recommendations for modifications to the system, or for additional strategies that should be pursued to promote therapeutic and cost-effective utilization of prescription drugs by residents of the state of Washington.

(3) By January 1, 2003, the secretary of the department of social and health services shall submit to the governor and the health care and fiscal committees of the legislature a report on implementation and operation of the therapeutic consultation program. The report must include, at a minimum, a description of the impact of the program on medical assistance clients and providers and any cost savings associated with the program, and when the program should be discontinued, in whole or in part.

NEW SECTION. Sec. 16. A new section is added to chapter 41.05 RCW to read as follows:

The administrator shall contract with an independent entity to evaluate the implementation and impacts of the prescription drug education and utilization system established in this act.

(1) The evaluation shall assess:

(a) The degree to which the program has influenced prescription drug prescribing practices among health care providers in Washington, including a description of how prescribing practices may have changed;

(b) The impact of the program on quality of care and clinical outcomes for persons enrolled in state purchased health care programs;

(c) The extent to which the program has lessened administrative burdens on health care providers participating in state purchased health care programs;

(d) The impact of the program on prescription drug expenditures across state purchased health care programs;

(e) The impact of the program on the utilization of, and expenditures for, other health care services funded by state purchased health care programs.

(2) The administrator may include the evaluation of disease management programs required under section 12 of this act in the evaluation under this section.

(3) The administrator shall make every effort to pursue and obtain federal or private foundation funding for the evaluation from entities such as the federal agency for health care research and quality or the milbank memorial fund. To ensure that results of the evaluation are objective and unbiased, private foundation funds derived from the pharmaceutical industry may not be used to fund the evaluation.

(4) The results of the evaluation shall be submitted to the governor and legislature by January 1, 2006.

NEW SECTION. **Sec. 17.** A new section is added to chapter 69.41 RCW to read as follows:

Any pharmacist filling a prescription under the preferred drug list program established under section 3 of this act or under section 10 of this act from a prescriber who has endorsed the preferred drug list must substitute the preferred drug for any nonpreferred drug in a given therapeutic category, unless the prescriber has indicated on the prescription that the nonpreferred drug must be dispensed as written, in which case the pharmacist must dispense the nonpreferred drug as written. When a substitution is made, or a preferred drug within a therapeutic class changes, the prescriber will be notified in writing by the dispensing pharmacist of the specific drug and dose dispensed.

NEW SECTION. **Sec. 18.** A new section is added to chapter 41.05 RCW to read as follows:

Nothing in this act preempts state-owned or managed hospitals licensed under chapter 70.41 RCW from aggregate purchasing through other programs. These hospitals may choose to participate in the preferred drug program under section 3 of this act if drugs can be obtained at lower cost.

NEW SECTION. **Sec. 19.** A new section is added to chapter 43.60A RCW to read as follows:

Nothing in this act preempts state-owned facilities and programs operated by the department of veterans affairs from aggregate purchasing through other programs. The department may choose to participate in the preferred drug program under section 3 of this act if drugs can be obtained at lower cost.

NEW SECTION. **Sec. 20.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 21.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 22.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 23.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.05.011, 42.30.110, and 41.05.026; reenacting and amending RCW 42.17.310; adding new sections to chapter 41.05 RCW; adding a new section to chapter 69.41 RCW; adding a new section to chapter 43.60A RCW; creating new sections; prescribing penalties; and declaring an emergency."

Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Conway; Darneille; Edwards and Ruderman.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander; Ballasiotes; Benson and Skinner.

Voting yea: Representatives Cody, Schual-Berke, Conway, Darneille, Edwards and Ruderman.
Voting nay: Representatives Alexander, Ballasiotes, Benson and Skinner.
Excused: Representative Campbell.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6372 Prime Sponsor, Senator Fraser: Creating the combined fund drive account. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.
Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6374 Prime Sponsor, Senator Jacobsen: Correcting errors and oversights in certain retirement system statutes. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6375 Prime Sponsor, Senator Fraser: Conforming the Washington state retirement systems to federal requirements on veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6375 Prime Sponsor, Senator Fraser: Conforming the Washington state retirement systems to federal requirements on veterans. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6377 Prime Sponsor, Senator Regala: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Kessler.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6378 Prime Sponsor, Senator Spanel: Authorizing part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6379 Prime Sponsor, Senator Carlson: Transferring service credit and contributions into the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Boldt, Lisk and Mastin.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6381 Prime Sponsor, Senator Fraser: Separating from public employees' retirement system plan 1. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representative Kessler.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6389 Prime Sponsor, Senate Committee on Education: Authorizing placement of United States flags on school buses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6393 Prime Sponsor, Senate Committee on Judiciary: Expanding authority for interlocal agreements for jail services. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.48.090 and 1987 c 462 s 7 are each amended to read as follows:

(1) Contracts for jail services may be made between a county and a city (~~located within the boundaries of a county~~), and among counties and cities. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved and to the office. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the office's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the corrections standards board or office when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The office may pay the funds to the governing units which had previously contracted for jail services under rules which the office may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the office. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein.

Sec. 2. RCW 70.48.220 and 1979 ex.s. c 232 s 19 are each amended to read as follows:

A person (~~(convicted of)~~) confined for an offense punishable by imprisonment in a city or county jail may be confined in the jail of any city or county contracting with the prosecuting city or county for jail services.

A jurisdiction that confines persons prior to conviction in a jail in another county is responsible for providing private telephone, video-conferencing, or in-person contact between the defendant and his or her public defense counsel."

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2002

ESSB 6400 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Developing a statewide biodiversity conservation strategy. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the state of Washington possesses a diversity of plants and animals in a diverse array of ecologically distinct regions. This biological diversity and its role in forming the diverse landscapes of the state are an important part of the high quality of life shared by all of the state's citizens and its visitors. By better understanding the variety and status of living organisms and the communities and ecosystems in which they occur, conservation efforts can be more effective in ensuring that this wealth of biological diversity is enjoyed by current and future generations.

The legislature further finds that extensive scientific work has been completed by both public and private entities to map the state's ecoregions and address ecoregional planning issues, by academic institutions, by state agencies such as the departments of natural resources and fish and wildlife, and by nongovernmental organizations such as the nature conservancy. However, these existing information sources are not complete, and this information may not be sufficiently coordinated or accessible and useful to the public or policymakers. Similarly, there is no single entity responsible for development and implementation of a coordinated state strategy to conserve remaining functioning ecosystems and restore habitats needed to maintain Washington's biodiversity. There should be a comprehensive review to identify the state's needs for biodiversity data and conservation, and to coordinate development, dissemination, and use of existing information.

There is also a need to strengthen the state's nonregulatory approaches to biodiversity conservation, including incentives for voluntary conservation efforts by private landowners. Incentives shall be a major element of the state's overall biodiversity conservation strategy.

The legislature further finds that resource management on a single-species or single-resource basis has proven to be costly, acrimonious, and ultimately ineffective at either preserving the state's biodiversity or allowing reasonable economic development.

Therefore, the purpose of this act is to create a temporary committee to develop recommendations to the governor and the legislature to establish the framework for the development and implementation of a statewide biodiversity conservation strategy, to replace existing single-species or single-resource protection programs.

NEW SECTION. Sec. 2. (1) The interagency committee for outdoor recreation is authorized to grant up to forty-five thousand dollars, on a competitive basis, to conduct the review of biodiversity programs as described in this section.

(2) The successful grantee must convene and facilitate a biodiversity conservation committee that will review existing biodiversity mapping and research programs in Washington conducted by state and federal agencies, nongovernmental organizations, and other entities, as well as reviewing programs and projects in other states.

(3) The biodiversity conservation committee must develop recommendations for a state biodiversity strategy that includes:

(a) Creation and composition of a standing public/private council to oversee design, development, and implementation of the strategy;

(b) Identification of a lead agency to support and facilitate development and implementation of a state biodiversity conservation plan;

(c) Methods to improve state agency and nongovernmental organization coordination and cooperation;

(d) Consistent definitions of the state's ecoregions and an integrated system of data management and mapping of the state's biodiversity;

(e) A review of Oregon's forest sustainability project and incorporation of key processes and criteria that are applicable in Washington;

(f) The state role for housing and administering biodiversity data and making the data accessible to local governments and others;

(g) A public education and outreach component that includes the production of a visual overview of Washington's ecoregions;

(h) Methods to ensure continuing stakeholder involvement;

(i) Methods to provide technical assistance to support state and local government land management;

- (j) Identification of the time frames and funding needed to implement the strategy;
 - (k) Identification and development of nonregulatory methods to preserve biodiversity, including incentives to conserve land with important biodiversity values. These methods shall focus on approaches such as landowner incentives and acquisition of conservation easements from willing landowners;
 - (l) Recognition of the forests and fish program and other public-private efforts to identify and protect important fish and wildlife habitat;
 - (m) Development of consistent, workable definitions for key terms that are currently undefined in this act, including the terms "biodiversity" and "ecosystem"; and
 - (n) Review state policies and legal mechanisms that may affect biodiversity.
- (4) The purpose of the state biodiversity strategy is to develop and suggest implementation recommendations for an ongoing biodiversity conservation strategy to maintain Washington's biodiversity in perpetuity, within the context of human activities on the landscape, to prevent additional species from being listed as endangered or threatened, and to create a more predictable environment in which to conduct economic activities.
- (5) In carrying out the duties assigned in this section, the biodiversity conservation committee must recognize existing conservation commitments, including approved habitat conservation plans and other similar methods initiated by the legislature or a regulatory board, and focus on addressing conservation needs that have not already been addressed.
- (6) The successful grantee must invite representatives of the following groups to participate on the biodiversity conservation committee:
- (a) State agencies, including the departments of fish and wildlife, natural resources, and ecology, the Puget Sound action team, and the state salmon recovery office;
 - (b) Federal land management and natural resource agencies;
 - (c) Local governments;
 - (d) Tribes;
 - (e) Property owners, including forestry and agriculture;
 - (f) Business, including land development;
 - (g) Academia and research institutions; and
 - (h) Conservation nongovernmental organizations.
- (7) The biodiversity conservation committee must choose a chair from among its members and adopt operating procedures.
- (8) The grant agreement must be conditioned to require that at least an amount of funding equal to the state grant be applied to the project from nonstate sources.
- (9) The grantee must provide a final report describing its review and recommendations to the governor and the appropriate standing committees of the senate and the house of representatives by October 1, 2003.

NEW SECTION. Sec. 3. The sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2003, from the general fund to the interagency committee for outdoor recreation for the purposes of this act."

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Eickmeyer; Jackley; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Sump, Ranking Minority Member; Buck; Ericksen; Orcutt and Pearson.

Voting yea: Representatives Doumit, Rockefeller, Eickmeyer, Jackley, McDermott and Upthegrove.

Voting Nay: Representatives Sump, Buck, Ericksen, Orcutt and Pearson.

Referred to Committee on Appropriations.

February 27, 2002

SB 6411 Prime Sponsor, Senator Kohl-Welles: Expanding the running start program to allow participation by The Evergreen State College. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Gombosky, Lantz and Skinner.

Excused: Representative Dunn.

Passed to Committee on Rules for second reading.

February 26, 2002

ESSB 6412 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Regulating disclosure of information by international matchmaking organizations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 5, after line 22, insert the following:

"NEW SECTION. **Sec. 6.** The department of licensing shall convene a stakeholder group to examine the issue of licensing international matchmaking organizations doing business in Washington, and shall report back to the appropriate committees of the legislature by January 20, 2003."

Renumber remaining sections consecutively.

On page 2, line 11, after "request." insert "Notice shall be given in writing by separate letter to a recruit. The form of notice shall be developed in cooperation with the department of licensing."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6414 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Licensing and regulating money transmitters and currency exchangers. (REVISED FOR ENGROSSED: Creating the uniform money services act.) Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that it is important for the state to establish a system of licensure and regulation to ensure the safe and sound operation of money transmission and currency exchange businesses, to ensure that these businesses are not used for criminal purposes, to

promote confidence in the state's financial system, and to protect the public interest. The legislature also finds that the creation of an effective regulatory scheme will require careful consideration of the current practices of small community-based money transmission or currency exchange businesses, the role such businesses play in local communities, as well as an assessment of the needs and practices of corporate financial institutions. To achieve these ends in a manner that both serves the general public interest and that is sensitive to the needs of smaller communities, the legislature intends to study current business practices regarding both money transmission and currency exchange in this state, and examine pertinent regulatory schemes and policies in other jurisdictions.

NEW SECTION. Sec. 2. (1) A joint legislative task force on licensing and regulating money transmitters and currency exchangers is established. The joint task force shall consist of ten members of the legislature appointed by the speaker of the house of representatives and the president of the senate as follows:

(a) Three members from the majority caucus and two members from the minority caucus of the house of representatives, with at least one member from each caucus being a member of the house financial institutions and insurance committee; and

(b) Three members from the majority caucus and two members from the minority caucus of the senate, with at least one member from each caucus being a member of the senate labor, commerce and financial institutions committee.

(2) The joint task force shall, when necessary, receive technical assistance from the department of financial institutions, and the department shall make staff available for this purpose. The department shall cooperate with the task force, maintain a liaison representative who is a nonvoting member, and provide appropriate technical or other assistance to small businesses or local, immigrant, or ethnic communities to comply with federal registration requirements dealing with money transmitters and currency exchangers.

(3) The joint task force may, when necessary, consult with individuals from the public and private sector or ask such persons to establish an advisory committee.

(4) The staff of senate committee services and the office of program research of the house of representatives shall provide administrative and clerical assistance to the joint task force.

NEW SECTION. Sec. 3. The joint task force shall review, but not be limited to, the following issues:

(1) Make recommendations for a system of licensure that is in compliance with federal laws and regulations, and that is responsive to the particular statutory framework of licensure for other money service industries in Washington state;

(2) Identify the barriers to licensing, either directly or as an affiliate, that may exist for small community-based businesses or local, immigrant, or ethnic communities which may not typically use traditional financial depository institutions;

(3) Identify how money transmission and currency exchange licensing regulations in other states have affected small community-based businesses or local, immigrant, or ethnic communities which may not typically use traditional financial depository institutions in those states, and how other states have addressed issues around technical assistance and access to traditional financial institutions that these businesses and communities face; and

(4) Recommend implementation of a regulatory scheme that will minimize adverse impact on small community-based businesses or local, immigrant, or ethnic communities that may not typically use traditional financial depository institutions, and that will minimize disruption to the legitimate purposes for which money transmission and currency exchange services currently operate in these communities.

NEW SECTION. Sec. 4. The joint task force shall meet as and when it sees fit in order to properly carry out the functions and duties set forth in this act.

NEW SECTION. Sec. 5. All expenses of the joint task force, including travel, shall be paid jointly by the senate and the house of representatives.

NEW SECTION. **Sec. 6.** The joint task force shall report its findings and recommendations to the legislature by December 1, 2002.

NEW SECTION. **Sec. 7.** This act expires July 1, 2003."

ESSB 6414 - H COMM AMD

By Select Committee on Community Security

On page 1, line 2 of the title, after "exchangers;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

EFFECT: Replaces all provisions of the bill with the following:

Joint Task Force. Creates the Joint Task Force on Licensing and Regulating Money Transmitters (JTF), with 10 legislative members (five House and five Senate -- three majority caucus members and two minority caucus each -- with at least one member from each of the financial institutions committees). Allows the JTF to consult with or form an advisory committee of public and private sector interests. Requires the JTF to identify: (1) Direct or affiliate barriers to licensing for small community-based businesses or for local, immigrant, or ethnic communities not typically using traditional financial institutions; (2) effects of money transmission and currency exchange licensing regulations in other states on these businesses or communities; and (3) how other states have addressed technical assistance and access issues. Requires the JTF to make recommendations for: (1) A state licensing system in compliance with federal law and responsive to the state's statutory framework for other money service industries; and (2) implementation of a regulatory scheme to minimize: (a) Adverse impact on affected businesses or communities; and (b) disruption to legitimate purposes for current money transmission and currency exchange services in these communities. Requires the JTF to report its findings and recommendations to the Legislature by December 1, 2002, and includes provisions for JTF staff support, expenses, and meetings.

Department of Financial Institutions. Requires the Department of Financial Institutions (DFI) to maintain a liaison member (nonvoting) and to provide staff support to the JTF. Requires the DFI to provide appropriate technical or other assistance to small businesses or local, immigrant, or ethnic communities to comply with federal money transmitter and currency exchanger registration requirements.

Intent. Specifies importance of licensing and regulatory system to: (1) Ensure safe and sound operation of money transmission and currency exchange businesses; (2) ensure these businesses are not used for criminal purposes; (3) promote confidence in state's financial system; and (4) protect the public interest. Recognizes a need to consider both small community-based businesses and corporate financial institutions. States intent to study current business practices and relevant regulatory schemes in other jurisdictions.

Expiration: Expires provisions on July 1, 2003.

Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien, Schmidt and Schual-Berke.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6422 Prime Sponsor, Senate Committee on Judiciary: Defining "property of another" for purposes of crimes against property. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6425 Prime Sponsor, Senator McAuliffe: Authorizing access to school meal programs and kitchen facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6426 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Allowing sick leave to care for family members. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler and McMorris.

Voting yea: Representatives Conway, Wood, Kenney and Lysen.

Voting nay: Representatives Clements, Chandler and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6427 Prime Sponsor, Senator B. Sheldon: Transferring risk management functions from the department of general administration to the office of financial management. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6430 Prime Sponsor, Senator Zarelli: Authorizing issuance of high school diplomas to World War II veterans who were both honorably discharged and left high school before graduation to serve in World War II. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.
Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6439 Prime Sponsor, Senate Committee on State & Local Government: Protecting certain domestic security records. Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001 c 70 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an

accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public

transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records (~~containing~~) assembled, prepared, or maintained to prevent, mitigate, or respond to terrorism crimes specified in sections 3 through 8, chapter . . . (Substitute House Bill No. 2879), Laws of 2002, the public disclosure of which would have a substantial likelihood of threatening public safety, consisting of:

(i) Specific and unique vulnerability assessments or specific and unique response or deployment plans, (~~either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, the public disclosure of which would have a substantial likelihood of threatening public safety~~) including compiled underlying data collected in preparation of or essential to the assessments, or to the response or deployment plans; and

(ii) Records not subject to public disclosure under federal law that are shared by federal or international agencies, and information prepared from national security briefings provided to state or local government officials related to domestic preparedness for acts of terrorism.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

- (i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;
- (ii) Radio frequencies used in, or locational data generated by, telemetry studies; or
- (iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:
 - (A) The species has a known commercial or black market value;
 - (B) There is a history of malicious take of that species; or
 - (C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.
- (zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:
 - (i) Government agencies concerned with the management of fish and wildlife resources;
 - (ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and
 - (iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa) Information regarding the infrastructure and security of computer and telecommunications networks, consisting of security passwords, security access codes and programs, access codes for secure software applications, security and service recovery plans, security risk assessments, and security test results to the extent that they identify specific system vulnerabilities.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 2. No later than September 1, 2004, the joint legislative audit and review committee shall review the effect of RCW 42.17.310(1) (ww) and (aaa) on state agency performance in responding to requests for disclosure of records under chapter 42.17 RCW. In conducting this review the joint legislative audit and review committee shall select a representative sample of requests for public disclosure, and the agencies' responses to those requests, from up to five state agencies. The joint legislative audit and review committee shall report its findings to the legislature no later than November 30, 2004."

Correct the title.

Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien; Schmidt and Schual-Berke.

Referred to Committee on Appropriations.

February 28, 2002

ESSB 6449 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Allowing entrance and exit fees under limited circumstances. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2002

ESB 6456 Prime Sponsor, Senator McAuliffe: Authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.
Excused: Representative Cox.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6460 Prime Sponsor, Senator Haugen: Funding local government research services. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6460 Prime Sponsor, Senator Haugen: Funding local government research services. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6465 Prime Sponsor, Senator Carlson: Revising limitations on county auditors. Reported by
Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.22.110 and 1963 c 4 s 36.22.110 are each amended to read as follows:

The person holding the office of county auditor, or deputy, or performing its duties, shall not practice as an attorney or represent any person who is making any claim against the county, or who is seeking to procure any legislative or other action by the board of county commissioners. ~~((The county auditor, during his term of office, and any deputy appointed by him is disqualified from performing the duties of any other county officer or acting as deputy for any other county officer. Nor shall any other county officer or his deputy act as auditor or deputy, or perform any of the duties of said office.))"~~

Correct the title.

Signed by Representatives Dunshee, Chair; Edwards, Vice Chair; Mulliken; Berkey; Dunn; Hatfield; Kirby; Mielke and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse and DeBolt.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Voting nay: Representatives Crouse and DeBolt.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6466 Prime Sponsor, Senator Gardner: Modifying county treasurer administration provisions.
Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Hatfield, Kirby, Mielke and Sullivan.

Excused: Representative Dunn.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6471 Prime Sponsor, Senator Honeyford: Requiring labeling of the origin of fruits and vegetables grown in the United States or grown in Washington state. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6474 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Reviewing certain state agency land purchases. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Jackley; Orcutt; Pearson and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Rockefeller, Vice Chairman; Ericksen and McDermott.

Voting yea: Representatives Doumit, Sump, Buck, Eickmeyer, Jackley, Orcutt, Pearson and Upthegrove.

Voting Nay: Representatives Rockefeller, Ericksen and McDermott.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6481 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Regulating insurance for rental vehicles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

On page 10, beginning on line 1, insert

"NEW SECTION. **Sec. 11.** The commissioner shall report to the legislature by January 1, 2004 regarding the impact of this act on small businesses in the state of Washington."

Renumber the sections sequentially and correct internal references accordingly.

Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Mielke, Miloscia, Roach and Simpson.

Excused: Representatives Hatfield and Santos.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6482 Prime Sponsor, Senator Long: Removing time limits for treatment under the alcohol and drug addiction treatment and support act. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell and Nixon.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia and Morell.

Excused: Representatives Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6488 Prime Sponsor, Senate Committee on Human Services & Corrections: Creating a statewide registered sex offender web site. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.24.550 and 2001 c 283 s 2 and 2001 c 169 s 2 are each reenacted and amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex offenders and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources other than state funds, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III registered sex offenders in the state of Washington. The web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county-operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall:
(a) Review available risk level classifications made by the department of corrections, the department of social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

~~((6))~~ (7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 ~~((is))~~, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

~~((7))~~ (8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

~~((8))~~ (9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

~~((9))~~ (10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the ~~((department of corrections,))~~ end of sentence review committee or the department of social and health services~~((, or the indeterminate sentence review board))~~ at the time of the offender's release from confinement, the law enforcement agency or official shall notify the ~~((appropriate department or the board))~~ end of sentence review committee of the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs.

Sec. 2. RCW 43.43.540 and 1998 c 220 s 4 are each amended to read as follows:

The county sheriff shall (1) forward the information, photographs, and fingerprints obtained pursuant to RCW 9A.44.130, including any notice of change of address, to the Washington state patrol within five working days; and (2) upon implementation of RCW 4.24.550(5)(a), forward any information obtained pursuant to RCW 9A.44.130 that is necessary to operate the registered sex

offender web site described in RCW 4.24.550(5)(a) to the Washington association of sheriffs and police chiefs within five working days of receiving the information, including any notice of change of address or change in risk level notification. The state patrol shall maintain a central registry of sex offenders and kidnapping offenders required to register under RCW 9A.44.130 and shall adopt rules consistent with chapters 10.97, 10.98, and 43.43 RCW as are necessary to carry out the purposes of RCW 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 46.20.187, 70.48.470, and 72.09.330. The Washington state patrol shall reimburse the counties for the costs of processing the offender registration, including taking the fingerprints and the photographs.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid due to a conflict with federal law, the conflicting part of this act is inoperative solely to the extent of the conflict, and such holding does not affect the operation of the remainder of this act or the application of the provision to other persons or circumstances."

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2002

ESSB 6490 Prime Sponsor, Senate Committee on Ways & Means: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Referred to Committee on Appropriations.

February 27, 2002

ESB 6505 Prime Sponsor, Senator Gardner: Revising local improvement district statutes. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6508 Prime Sponsor, Senator Rasmussen: Registering pesticides. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

On page 4, line 4, after "(1)" strike "Section 2 of this act takes" and insert "Sections 1, 2 and 4 of this act take"

Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.
Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6515 Prime Sponsor, Senate Committee on Education: Allowing the school district capital projects fund to provide for costs associated with implementing technology systems. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

On page 3, line 12, after "to the" insert "installation of the"

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.
Excused: Representative Cox.

Referred to Committee on Capital Budget.

February 28, 2002

SB 6529 Prime Sponsor, Senator Gardner: Modifying the time period for holding elections to fill vacancies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.
Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6530 Prime Sponsor, Senator Rasmussen: Adjusting the definition of salvage vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Morell; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke and Murray.

Voting yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Morell, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan and Wood.

Voting Nay: Representatives Mielke and Murray.

Excused: Representative Woods.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6535 Prime Sponsor, Senate Committee on Human Services & Corrections: Authorizing a disposition outside the standard range for the chemical dependency disposition alternative for juvenile offenders. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell; Eickmeyer and Tokuda.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Carrell, Eickmeyer and Tokuda.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6548 Prime Sponsor, Senate Committee on Transportation: Allowing advertising on bus shelters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.36 RCW to read as follows:

(1) Local transit authority bus shelters within the right of way of the state highway system may display and maintain commercial advertisements subject to applicable federal regulations, if any.

Pursuant to RCW 47.12.120, the department may lease state right of way air space to local transit authorities for this purpose, unless there are significant safety concerns regarding the placement of certain advertisements.

(2) Advertisements posted on a local transit authority's bus shelter may not exceed twenty-four square feet on each side of the panel. One back-to-back panel is allowed on the downstream side of the shelter.

Sec. 2. RCW 47.36.030 and 1977 ex.s. c 151 s 61 are each amended to read as follows:

The secretary of transportation shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection, and location of all signs, signals, signboards, guideposts, and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger, and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections, and additions thereto. The department of transportation shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated,

showing the materials, colors, and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts, and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design, and location approved by the secretary. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable. The uniform system must allow local transit authority bus shelters located within the right of way of the state highway system to display and maintain commercial advertisements subject to applicable federal regulations, if any."

Correct the title.

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong; Edwards; Ericksen; Haigh; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins.

Voting yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner and Wood.

Voting Nay: Representative Hankins.

Excused: Representatives Sullivan and Woods.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6553 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Enhancing regulatory capabilities to prevent invasive aquatic species. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

Voting yea: Representatives Doumit, Rockefeller, Sump, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6557 Prime Sponsor, Senator Kohl-Welles: Providing for the higher education coordinating board to select its chair and vice-chair. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 1, line 14, after "term." insert "The chair and vice-chair may serve more than one term if selected to do so by the membership."

Signed by Representatives Kenney, Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Cox, Chase, Gombosky, Jarrett, Lantz and Skinner.

Excused: Representatives Fromhold and Dunn.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6570 Prime Sponsor, Senate Committee on Human Services & Corrections: Revising the requirements of notification to coworkers when a sexually violent predator is employed. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Kagi, Kirby and Morell.

Voting Nay: Representative Ahern.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6572 Prime Sponsor, Senate Committee on Agriculture & International Trade: Regarding conservation district supervisors. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Grant; Holmquist; Kirby; Quall; Roach and Sump.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt, Vice Chairman; Dunshee.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Voting Nay: Representative Dunshee.

Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6575 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Concerning the designation of certain lands as natural area preserves or natural resource conservation areas. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.70.030 and 1994 c 264 s 61 are each amended to read as follows:

In order to set aside, preserve, and protect natural areas within the state, the department is authorized, in addition to any other powers, to:

(1) Establish (~~by rule and regulation~~) the criteria for selection, acquisition, management, protection, and use of such natural areas, including:

(a) Limiting public access to natural area preserves consistent with the purposes of this chapter. Where appropriate, and on a case-by-case basis, a buffer zone with an increased low level of public access may be created around the environmentally sensitive areas;

(b) Developing a management plan for each designated natural area preserve. The plan must identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for low-impact public and environmental educational uses. The plan must specify the types of management activities and public uses that are permitted, consistent with the purposes of this chapter. The department must make the plans available for review and comment by the public, and state, tribal, and local agencies, prior to final approval;

(2) Cooperate or contract with any federal, state, or local governmental agency, private organizations, or individuals in carrying out the purpose of this chapter;

(3) Consistent with the plan, acquire by gift, devise, purchase, grant, dedication, or means other than eminent domain, the fee or any lesser right or interest in real property which shall be held and managed as a natural area;

(4) Acquire by gift, devise, grant, or donation any personal property to be used in the acquisition and/or management of natural areas;

(5) Inventory existing public, state, and private lands in cooperation with the council to assess possible natural areas to be preserved within the state;

(6) Maintain a natural heritage program to provide assistance in the selection and nomination of areas containing natural heritage resources for registration or dedication. The program shall maintain a classification of natural heritage resources, an inventory of their locations, and a data bank for such information. The department of natural resources shall cooperate with the department of fish and wildlife in the selection and nomination of areas from the data bank that relate to critical wildlife habitats. Information from the data bank shall be made available to public and private agencies and individuals for environmental assessment and proprietary land management purposes. Usage of the classification, inventory, or data bank of natural heritage resources for any purpose inconsistent with the natural heritage program is not authorized;

(7) Prepare a natural heritage plan which shall govern the natural heritage program in the conduct of activities to create and manage a system of natural areas (~~which~~) that includes natural resources conservation areas, and may include areas designated under the research natural area program on federal lands in the state;

(a) The plan shall list the natural heritage resources to be considered for registration and shall provide criteria for the selection and approval of natural areas under this chapter;

(b) The department shall provide opportunities for input, comment, and review to the public, other public agencies, and private groups with special interests in natural heritage resources during preparation of the plan;

(c) Upon approval by the council and adoption by the department, the plan shall be updated and submitted biennially to the appropriate committees of the legislature for their information and review. The plan shall take effect ninety days after the adjournment of the legislative session in which it is submitted unless the reviewing committees suggest changes or reject the plan; and

(8) Maintain a state register of natural areas containing significant natural heritage resources to be called the Washington register of natural area preserves. Selection of natural areas for registration shall be in accordance with criteria listed in the natural heritage plan and accomplished through voluntary agreement between the owner of the natural area and the department. No privately owned lands may be proposed to the council for registration without prior notice to the owner or registered without voluntary consent of the owner. No state or local governmental agency may require such consent as a condition of any permit or approval of or settlement of any civil or criminal proceeding or to penalize any landowner in any way for failure to give, or for withdrawal of, such consent.

(a) The department shall adopt rules and regulations as authorized by RCW 43.30.310 and 79.70.030(1) and chapter 34.05 RCW relating to voluntary natural area registration.

(b) After approval by the council, the department may place sites onto the register or remove sites from the register.

(c) The responsibility for management of registered natural area preserves shall be with the preserve owner. A voluntary management agreement may be developed between the department and the owners of the sites on the register.

(d) Any public agency may register lands under provisions of this chapter.

Sec. 2. RCW 79.70.060 and 1981 c 189 s 2 are each amended to read as follows:

The legislature finds:

(1) That it is necessary to establish a process and means for public and private sector cooperation in the development of a system of natural areas. Private and public landowners should be encouraged to participate in a program of natural area establishment which will benefit all citizens of the state;

(2) That there is a need for a systematic and accessible means for providing information concerning the locations of the state's natural heritage resources; and

(3) That the natural heritage advisory council should utilize a specific framework for natural heritage resource conservation decision making through a classification, inventory, priority establishment, acquisition, and management process known as the natural heritage program. Future natural areas should avoid unnecessary duplication of already protected natural heritage resources including those which may already be protected in existing publicly owned or privately dedicated lands such as nature preserves, natural areas, natural resources conservation areas, parks, or wilderness.

Sec. 3. RCW 79.70.080 and 1994 c 264 s 63 are each amended to read as follows:

(1) The council shall:

(a) Meet at least annually and more frequently at the request of the chairperson;

(b) Recommend policy for the natural heritage program through the review and approval of the natural heritage plan;

(c) Advise the department, the department of fish and wildlife, the state parks and recreation commission, and other state agencies managing state-owned land or natural resources regarding areas under their respective jurisdictions which are appropriate for natural area registration or dedication;

(d) Advise the department of rules and regulations that the council considers necessary in carrying out this chapter; (~~and~~)

(e) Review and approve area nominations by the department or other agencies for registration and review and comment on legal documents for the voluntary dedication of such areas;

(f) Recommend whether new areas proposed for protection be established as natural area preserves, natural resources conservation areas, a combination of both, or by some other protected status; and

(g) Review and comment on management plans proposed for individual natural area preserves.

(2) From time to time, the council shall identify areas from the natural heritage data bank which qualify for registration. Priority shall be based on the natural heritage plan and shall generally be given to those resources which are rarest, most threatened, or under-represented in the heritage conservation system on a statewide basis. After qualifying areas have been identified, the department shall advise the owners of such areas of the opportunities for acquisition or voluntary registration or dedication."

Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Sump, Ranking Minority Member; Eickmeyer; Ericksen; Jackley; McDermott; Orcutt; Pearson and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Buck.

Voting yea: Representatives Doumit, Rockefeller, Sump, Eickmeyer, Ericksen, Jackley, McDermott, Orcutt, Pearson and Upthegrove.

Voting nay: Representative Buck.

Passed to Committee on Rules for second reading.

February 26, 2002

ESSB 6588 Prime Sponsor, Senate Committee on Agriculture & International Trade: Requiring exclusive statewide food service rules for food service establishments. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Grant; Holmquist; Kirby; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.
Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 27, 2002

ESSB 6594 Prime Sponsor, Senate Committee on Human Services & Corrections: Implementing the recommendations of the joint select committee on the equitable distribution of secure community transition facilities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The purpose of this act is to:

(1) Enable the legislature to act upon the recommendations of the joint select committee on the equitable distribution of secure community transition facilities established in section 225, chapter 12, Laws of 2001 2nd sp. sess.; and

(2) Harmonize the preemption provisions in RCW 71.09.250 with the preemption provisions applying to future secure community transition facilities to reflect the joint select committee's recommendation that the preemption granted for future secure community transition facilities be the same throughout the state.

Sec. 2. RCW 36.70A.200 and 2001 2nd sp.s. c 12 s 205 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than ~~((the deadline specified in RCW 36.70A.130))~~ September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities~~((s))~~ and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than ~~((the deadline specified in RCW 36.70A.130))~~ September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this

subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with section 7 of this act.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Law enforcement shall respond to a call regarding a resident of a secure community transition facility as a high priority call.

(2) No law enforcement officer responding reasonably and in good faith to a call regarding a resident of a secure community transition facility shall be held liable nor shall the city or county employing the officer be held liable, in any cause of action for civil damages based on the acts of the resident or the actions of the officer during the response.

Sec. 4. RCW 71.09.020 and 2001 2nd sp.s. c 12 s 102 are each amended to read as follows:

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

(1) "Department" means the department of social and health services.

(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(5) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, ~~(and)~~ public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision

of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

Sec. 5. RCW 71.09.285 and 2001 2nd sp.s. c 12 s 213 are each amended to read as follows:

(1) Except with respect to the secure community transition facility established pursuant to RCW 71.09.250, the secretary shall develop policy guidelines that balance the average response time of emergency services to the general area of a proposed secure community transition facility against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In ~~((balancing the competing criteria of proximity and response time the policy guidelines shall endeavor to achieve an average law enforcement response time not greater than five minutes and in))~~ no case shall the policy guidelines permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The policy guidelines shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The policy guidelines shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The policy guidelines shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in RCW 71.09.315.

(6) Policy guidelines adopted by the secretary under this section shall be considered by counties and cities when providing for the siting of secure community transition facilities as required under RCW 36.70A.200.

Sec. 6. RCW 71.09.305 and 2001 2nd sp.s. c 12 s 217 are each amended to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices.

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident. The escort must immediately notify the department of any serious violation, as defined in RCW 71.09.325, by the resident and must immediately notify law enforcement of any violation of law by the resident. The escort may not be a relative of the resident or a person with whom the resident has, or has had, a dating relationship as defined in RCW 26.50.010.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in the offense pattern of the offender they are escorting. ~~((The escort may not be a relative of the resident.))~~

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

NEW SECTION. Sec. 7. A new section is added to chapter 71.09 RCW to read as follows:
The minimum requirements set out in RCW 71.09.285 through 71.09.340 are minimum requirements to be applied by the department. Nothing in this section is intended to prevent a city or county from adopting development regulations, as defined in RCW 36.70A.030, unless the proposed regulation imposes requirements more restrictive than those specifically addressed in RCW 71.09.285 through 71.09.340. Regulations that impose requirements more restrictive than those specifically addressed in these sections are void. Nothing in these sections prevents the department from adding requirements to enhance public safety.

Sec. 8. RCW 71.09.255 and 2001 2nd sp.s. c 12 s 204 are each amended to read as follows:

(1) Upon receiving the notification required by RCW 71.09.250, counties must promptly notify the cities within the county of the maximum number of secure community transition facility beds that may be required and the projected number of beds to be needed in that county.

(2) The incentive grants and payments provided under this section are subject to the following provisions:

(a) Counties and the cities within the county must notify each other of siting plans to promote the establishment and equitable distribution of secure community transition facilities;

(b) Development regulations, ordinances, plans, laws, and criteria established for siting must be consistent with statutory requirements and rules applicable to siting and operating secure community transition facilities;

(c) The minimum size for any facility is three beds; and

(d) The department must approve any sites selected.

(3) Any county or city that makes a commitment to initiate the process to site one or more secure community transition facilities by ~~((February 1, 2002))~~ one hundred twenty days after the effective date of this act, shall receive a planning grant as proposed and approved by the department of community, trade, and economic development.

(4) Any county or city that has issued all necessary permits by May 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive an incentive grant in the amount of fifty thousand dollars for each bed sited.

(5) To encourage the rapid permitting of sites, any county or city that has issued all necessary permits by January 1, 2003, for one or more secure community transition facilities that comply with

the requirements of this section shall receive a bonus in the amount of twenty percent of the amount provided under subsection (4) of this section.

(6) Any county or city that establishes secure community transition facility beds in excess of the maximum number that could be required to be sited in that county shall receive a bonus payment of one hundred thousand dollars for each bed established in excess of the maximum requirement.

(7) No payment shall be made under subsection (4), (5), or (6) of this section until all necessary permits have been issued.

(8) The funds available to counties and cities under this section are contingent upon funds being appropriated by the legislature.

NEW SECTION. **Sec. 9.** A new section is added to chapter 71.09 RCW to read as follows:

(1) After October 1, 2002, notwithstanding RCW 36.70A.103 or any other law, this section preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the department to site, construct, renovate, occupy, and operate secure community transition facilities within the borders of the following:

(a) Chelan, Clark, Cowlitz, Franklin, Grays Harbor, King, Kitsap, Snohomish, Spokane, Thurston, Whatcom, and Yakima counties, if the department determines that the county has not met the requirements of RCW 36.70A.200 with respect to secure community transition facilities; and

(b) Any city located within a county listed in (a) of this subsection that the department determines has not met the requirements of RCW 36.70A.200 with respect to secure community transition facilities.

(2) The department's determination under subsection (1)(a) or (b) of this section is final and is not subject to appeal under chapter 34.05 or 36.70A RCW.

(3) When siting a facility in a county or city that has been preempted under this section, the department shall consider the policy guidelines established under RCW 71.09.275 and 71.09.290 and shall hold the hearings required in RCW 71.09.315.

(4) Nothing in this section prohibits the department from:

(a) Siting a secure community transition facility in a city or county that has complied with the requirements of RCW 36.70A.200 with respect to secure community transition facilities, including a city that is located within a county that has been preempted. If the department sites a secure community transition facility in such a city or county, the department shall use the process established by the city or county for siting such facilities; or

(b) Consulting with a city or county that has been preempted under this section regarding the siting of a secure community transition facility.

(5)(a) A preempted city or county may propose public safety measures specific to any finalist site to the department. The measures must be consistent with the location of the facility at that finalist site. The proposal must be made in writing by the date of:

(i) The second hearing under RCW 71.09.315(2)(a) when there are three finalist sites; or

(ii) The first hearing under RCW 71.09.315(2)(b) when there is only one site under consideration.

(b) The department shall respond to the city or county in writing within fifteen business days of receiving the proposed measures. The response shall address all proposed measures.

(c) If the city or county finds that the department's response is inadequate, the city or county may notify the department in writing within fifteen business days of the specific items which it finds inadequate. If the city or county does not notify the department of a finding that the response is inadequate within fifteen business days, the department's response shall be final.

(d) If the city or county notifies the department that it finds the response inadequate and the department does not revise its response to the satisfaction of the city or county within seven business days, the city or county may petition the governor to designate a person with law enforcement expertise to review the response under RCW 34.05.479.

(e) The governor's designee shall hear a petition filed under this subsection and shall make a determination within thirty days of hearing the petition. The governor's designee shall consider the department's response, and the effectiveness and cost of the proposed measures, in relation to the

purposes of this chapter. The determination by the governor's designee shall be final and may not be the basis for any cause of action in civil court.

(f) The city or county shall bear the cost of the petition to the governor's designee. If the city or county prevails on all issues, the department shall reimburse the city or county costs incurred, as provided under chapter 34.05 RCW.

(g) Neither the department's consideration and response to public safety conditions proposed by a city or county nor the decision of the governor's designee shall affect the preemption under this section or the department's authority to site, construct, renovate, occupy, and operate the secure community transition facility at that finalist site or at any finalist site.

(6) The secretary shall site, construct, occupy, and operate a secure community transition facility sited under this section in an environmentally responsible manner that is consistent with the substantive objectives of chapter 43.21C RCW, and shall consult with the department of ecology as appropriate in carrying out the planning, construction, and operations of the facility. The secretary shall make a threshold determination of whether a secure community transition facility sited under this section would have a probable significant, adverse environmental impact. If the secretary determines that the secure community transition facility has such an impact, the secretary shall prepare an environmental impact statement that meets the requirements of RCW 43.21C.030 and 43.21C.031 and the rules promulgated by the department of ecology relating to such statements. Nothing in this subsection shall be the basis for any civil cause of action or administrative appeal.

(7) This section does not apply to the secure community transition facility established pursuant to RCW 71.09.250(1).

NEW SECTION. **Sec. 10.** A new section is added to chapter 34.05 RCW to read as follows:
A petition brought pursuant to section 9(5) of this act shall be heard under the provisions of RCW 34.05.479 except that the decision of the governor's designee shall be final and is not subject to judicial review.

NEW SECTION. **Sec. 11.** A new section is added to chapter 71.09 RCW to read as follows:
For purposes of RCW 71.09.250 and section 9 of this act, "all other laws" means the state environmental policy act, the shoreline management act, the hydraulics code, and all other state laws regulating the protection and use of the water, land, and air.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C RCW to read as follows:

Secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

NEW SECTION. **Sec. 13.** A new section is added to chapter 90.58 RCW to read as follows:
Secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

NEW SECTION. **Sec. 14.** A new section is added to chapter 77.55 RCW to read as follows:
Secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

Sec. 15. RCW 36.70A.103 and 2001 2nd sp.s. c 12 s 203 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in RCW 71.09.250 (1) through (3), section 9 of this act, and 72.09.333.

The provisions of chapter 12, Laws of 2001 2nd sp. sess. do not affect the state's authority to site any other essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 71.09 RCW to read as follows:

(1) At the request of the local government of the city or county in which a secure community transition facility is initially sited after January 1, 2002, the department shall enter into a long-term contract memorializing the agreements between the state and the city or county for the operation of the facility. This contract shall be separate from any contract regarding mitigation due to the facility. The contract shall include a clause that states:

(a) The contract does not obligate the state to continue operating any aspect of the civil commitment program under this chapter;

(b) The operation of any secure community transition facility is contingent upon sufficient appropriation by the legislature. If sufficient funds are not appropriated, the department is not obligated to operate the secure community transition facility and may close it; and

(c) This contract does not obligate the city or county to operate a secure community transition facility.

(2) Any city or county may, at their option, contract with the department to operate a secure community transition facility.

NEW SECTION. Sec. 17. A new section is added to chapter 71.09 RCW to read as follows:

(1) Subject to funds appropriated by the legislature, the department may enter into negotiation for a mitigation agreement with:

(a) The county and/or city in which a secure community transition facility sited after January 1, 2002, is located;

(b) Each community in which the persons from those facilities will reside or regularly spend time, pursuant to court orders, for regular work or education, or to receive social services, or through which the person or persons will regularly be transported to reach other communities; and

(c) Educational institutions in the communities identified in (a) and (b) of this subsection.

(2) Mitigation agreements are limited to the following:

(a) One-time training for local law enforcement and administrative staff, upon the establishment of a secure community transition facility.

(i) Training between local government staff and the department includes training in coordination, emergency procedures, program and facility information, legal requirements, and resident profiles.

(ii) Reimbursement for training under this subsection is limited to:

(A) The salaries or hourly wages and benefits of those persons who receive training directly from the department; and

(B) Costs associated with preparation for, and delivery of, training to the department or its contracted staff by local government staff or contractors;

(b) Information coordination:

(i) Information coordination includes data base infrastructure establishment and programming for the dissemination of information among law enforcement and the department related to facility residents.

(ii) Reimbursement for information coordination is limited to start-up costs;

(c) One-time capital costs:

(i) One-time capital costs are off-site costs associated with the need for increased security in specific locations.

(ii) Reimbursement for one-time capital costs is limited to actual costs; and

(d) Incident response:

(i) Incident response costs are law enforcement and criminal justice costs associated with violations of conditions of release or crimes by residents of the secure community transition facility.

(ii) Reimbursement for incident response does not include private causes of action.

NEW SECTION. Sec. 18. A new section is added to chapter 71.09 RCW to read as follows:

(1) To encourage economies of scale in the siting and operation of secure community transition facilities, the department may enter into an agreement with two or more counties to create a regional secure community transition facility. The agreement must clearly identify the number of beds from each county that will be contained in the regional secure community transition facility. The agreement must specify which county must contain the regional secure community transition facility and the facility must be sited accordingly. No county may withdraw from an agreement under this section unless it has provided an alternative acceptable secure community transition facility to house any displaced residents that meets the criteria established for such facilities in this chapter and the guidelines established by the department.

(2) A regional secure community transition facility must meet the criteria established for secure community transition facilities in this chapter and the guidelines established by the department.

(3) The department shall count the beds identified for each participating county in a regional secure community transition facility against the maximum number of beds that could be required for each county under RCW 71.09.250(7)(a).

(4) An agreement for a regional secure community transition facility does not alter the maximum number of beds for purposes of the incentive grants under RCW 71.09.255 for the county containing the regional facility.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Kagi; Kirby and Morell.

MINORITY recommendation: Do not pass. Signed by Representatives Ahern.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Kagi, Kirby and Morell.

Voting Nay: Representative Ahern.

Referred to Committee on Appropriations.

February 28, 2002

SSB 6597 Prime Sponsor, Senate Committee on State & Local Government: Authorizing additional school district capital demonstration projects. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler and Schmidt.

Voting yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler and Schmidt.

Excused: Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6598 Prime Sponsor, Senate Committee on Education: Creating the Washington natural science and wildlife education partnership fund. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

Voting Nay: Representative Schindler.

Referred to Committee on Appropriations.

February 26, 2002

SSB 6600 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions:
Authorizing unclassified position appointments in city or town police departments.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.12.050 and 1993 c 189 s 1 are each amended to read as follows:

(1) For police departments with fewer than six commissioned officers, including the police chief, the classified civil service and provisions of this chapter ((shall)) includes all full paid employees of the ((police)) department of ((each)) the city, town, or municipality ((coming within its purview, except that)).

(2) For police departments with six or more commissioned officers, including the police chief, the legislative body of a city, town, or municipality may exempt from civil service individuals appointed as police chief after July 1, 1987((, to a department with six or more commissioned officers, including the police chief, may be excluded by the legislative body of the city, town or municipality)).

(a) If the police chief is not exempt, the classified civil service includes all full paid employees of the department of the city, town, or municipality, including the police chief.

(b) If the police chief is exempt, the classified civil service includes all full paid employees of the department of the city, town, or municipality, except the police chief and an additional number of positions, designated the unclassified service, determined as follows:

Unclassified

Department Personnel Position Appointments

6 through 10 2

11 through 20 3

21 through 50 4

51 through 100 5

101 through 250 6

251 through 500 8

501 and over 10

(3) The unclassified position appointments authorized by subsection (2)(b) of this section may only include selections from the following positions up to the limit of the number of positions authorized: Assistant chief, deputy chief, bureau commander, and administrative assistant or

administrative secretary. The initial selection of specific positions to be in the unclassified service and exempt from civil service shall be made by the police chief, who shall notify the civil service commission of his or her selection. Subsequent changes in the designation of which positions are in the unclassified service may be made only with the concurrence of the police chief, the mayor or the city administrator, and the civil service commission, and then only after the civil service commission has heard the issue in an open meeting. If a position initially selected by the police chief to be in the unclassified service is in the classified civil service at the time of the selection, and if the position is occupied, the employee occupying the position has the right to return to the next highest position or a like position in the classified civil service.

(4) All appointments to and promotions in the department shall be made solely on merit, efficiency, and fitness except as provided in RCW 35.13.360 through 35.13.400, which shall be ascertained by open competitive examination and impartial investigation. No person in the unclassified service shall be reinstated in or transferred, suspended, or discharged from any such place, position, or employment contrary to the provisions of this chapter.

NEW SECTION. Sec. 2. RCW 41.12.060 (Existing police blanketed under civil service) and 1937 c 13 s 6 are each repealed."

Correct the title.

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6602 Prime Sponsor, Senate Committee on Judiciary: Revising the crime of extortion in the second degree. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6609 Prime Sponsor, Senator Snyder: Allowing cost recovery in cases involving disputed department of ecology studies. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21A.130 and 1987 c 505 s 28 are each amended to read as follows:

(1) In addition to any other powers granted the director, the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air(~~(: PROVIDED, That)~~); however, in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action.

(2) Any studies conducted by the department in order to establish the total maximum daily load of a water body, or other water quality measure, must involve meaningful participation and

opportunities to comment by the local watershed planning group established in chapter 90.82 RCW, the local governments whose jurisdictions are within the affected watershed, and any affected citizen who notifies the department of his or her interest in participation."

Correct the title.

Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6624 Prime Sponsor, Senator Keiser: Modifying well construction provisions. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6626 Prime Sponsor, Senate Committee on Higher Education: Requiring the Washington state institute for public policy to review and evaluate whether branch campuses are fulfilling their intended role. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 18, after "campuses" insert ", and may include policy options regarding the development and implementation of competency based articulation"

On page 2, line 24, after "2002." inset "To the extent possible, the analyses and recommendation of this study may be coordinated with related concurrent studies on higher education."

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Gombosky, Lantz and Skinner.

Excused: Representative Dunn.

Referred to Committee on Appropriations.

February 28, 2002

SSB 6629 Prime Sponsor, Senate Committee on Human Services & Corrections: Requiring the administrator for the courts to create a family law handbook. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Carrell; Eickmeyer and Tokuda.

Voting yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Carrell, Eickmeyer and Tokuda.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6630 Prime Sponsor, Senator Prentice: Providing for certification as a master electrician.
Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that chapter 19.28 RCW relating to the certification of electricians may need to be updated to address industry concerns."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Kenney; Lysen and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member; Chandler.

Voting yea: Representatives Conway, Wood, Kenney, Lysen and McMorris.
Voting nay: Representatives Clements and Chandler.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6635 Prime Sponsor, Senate Committee on Judiciary: Creating a notice and appeal process for animal control authorities. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6640 Prime Sponsor, Senate Committee on Higher Education: Classifying members of the Washington national guard as resident students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, line 18, after "national guard" insert "who resides in the state"

On page 4, line 20, after "national guard" insert "who resides in the state"

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett; Lantz and Skinner.

Voting yea: Representatives Kenney, Fromhold, Cox, Jarrett, Chase, Gombosky, Lantz and Skinner.

Excused: Representative Dunn.

Passed to Committee on Rules for second reading.

February 27, 2002

ESSB 6641 Prime Sponsor, Senate Committee on Education: Accommodating children with diabetes in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.210 RCW to read as follows:

The legislature finds that diabetes imposes significant health risks to students enrolled in the state's public schools and that providing for the medical needs of students with diabetes is crucial to ensure both the safety of students with diabetes and their ability to obtain the education guaranteed to all citizens of the state. The legislature also finds that children with diabetes can and should be provided with a safe learning environment and access to all other nonacademic school sponsored activities. The legislature further finds that an individual health plan for each child with diabetes should be in place in the student's school and should include provisions for a parental signed release form, medical equipment and storage capacity, and exemptions from school policies, school schedule, meals and eating, disaster preparedness, inservice training for staff, legal documents for parent-designated adults who may provide care, as needed, and personnel guidelines describing who may assume responsibility for activities contained in the student's individual health plan.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.210 RCW to read as follows:

(1) School districts shall provide individual health plans for students with diabetes, subject to the following conditions:

(a) The board of directors of the school district shall adopt policies to be followed for students with diabetes. The policies shall include, but need not be limited to:

(i) The acquisition of parent requests and instructions;

(ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;

(iii) The provision for storage of medical equipment and medication provided by the parent;

(iv) The provision for students to perform blood glucose tests, administer insulin, treat hypoglycemia and hyperglycemia, and have easy access to necessary supplies and equipment to perform monitoring and treatment functions as specified in the individual health plan. The policies shall include the option for students to carry on their persons the necessary supplies and equipment and the option to perform monitoring and treatment functions in the students' classrooms;

(v) The establishment of school policy exceptions necessary to accommodate the students' needs to eat whenever and wherever necessary, have easy, unrestricted access to water and bathroom use, have provisions made for parties at school when food is served, eat meals and snacks on time, and other necessary exceptions as described in the individual health plan;

(vi) The assurance that school meals are never withheld because of nonpayment of fees or disciplinary action;

(vii) A description of the students' school day schedules for timing of meals, snacks, blood sugar testing, insulin injections, and related activities;

- (viii) The development of individual emergency preparedness plans;
 - (ix) The establishment of inservice training for staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school sponsored activities;
 - (x) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the students;
 - (xi) The possession of legal documents for parent-designated adults to provide care, if needed;
 - (xii) The description of policies that specify who may assume responsibility for activities contained in the student's individual health plan as determined by statute, rule, nursing care quality assurance commission guidelines, and best practices; and
 - (xiii) The updating of the individual health plan at least annually or more frequently, as needed;
- and

(b) The board of directors, in the course of developing the policies in (a) of this subsection, shall seek advice from one or more licensed physicians or nurses or diabetes educators who are nationally certified.

(2)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from or through the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 or 18.88A RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 or 18.88A RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with diabetes to ensure a safe, therapeutic learning environment. Training may also be provided by a diabetes educator who is nationally certified. Training and supervision requirements under this subsection do not extend to parent-designated adults.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210 RCW to read as follows:

A school district, school district employee, agent, parent-designated adult, or volunteer who, acting in good faith and in substantial compliance with the student's individual health plan and the instructions of the student's licensed health care professional, provides assistance or services under section 1 or 2 of this act shall not be liable in any criminal action or for civil damages in his or her individual or marital or governmental or corporate or other capacities as a result of the services provided under section 1 or 2 of this act to students with diabetes.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2002."

Correct the title.

Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2002

SSB 6650 Prime Sponsor, Senate Committee on Education: Allowing for adoption of classroom policies to remember the September 11 terrorist attacks. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chairman; Haigh, Vice Chairman; Talcott, Ranking Minority Member; Anderson; Cox; McDermott; Rockefeller; Santos; Schindler; Schmidt and Upthegrove.

Voting yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6664 Prime Sponsor, Senator Costa: Requiring offenders to propose a release plan. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 27, 2002

SB 6691 Prime Sponsor, Senator Spanel: Authorizing five-member port commissions to have five commissioner districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chairman; Edwards, Vice Chairman; Mulliken, Ranking Minority Member; Berkey; Crouse; DeBolt; Dunn; Hatfield; Kirby; Mielke and Sullivan.

Voting yea: Representatives Dunshee, Edwards, Mulliken, Berkey, Crouse, DeBolt, Dunn, Hatfield, Kirby, Mielke and Sullivan.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6700 Prime Sponsor, Senate Committee on Judiciary: Limiting the publication of personal information of law enforcement and court employees. (REVISED FOR ENGROSSED: Limiting publication of personal information of law enforcement, corrections officers, or court employees.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A person or organization shall not, with the intent to harm or intimidate, sell, trade, give, publish, distribute, or otherwise release the residential address, residential telephone number, birthdate, or social security number of any law enforcement-related, corrections officer-related, or court-related employee or volunteer, or someone with a similar name, and categorize them as such, without the express written permission of the employee or volunteer unless specifically exempted by law or court order.

NEW SECTION. **Sec. 2.** (1) Whenever it appears that any person or organization is engaged in or about to engage in any act that constitutes or will constitute a violation of section 1 of this act, the prosecuting attorney or any person harmed by an alleged violation of section 1 of this act may initiate a civil proceeding in superior court to enjoin such violation, and may petition the court to issue an order for the discontinuance of the dissemination of information in violation of section 1 of this act.

(2) An action under this section shall be brought in the county in which the violation is alleged to have taken place, and shall be commenced by the filing of a verified complaint, or shall be accompanied by an affidavit.

(3) If it is shown to the satisfaction of the court, either by verified complaint or affidavit, that a person or organization is engaged in or about to engage in any act that constitutes a violation of section 1 of this act, the court may issue a temporary restraining order to abate and prevent the continuance or recurrence of the act.

(4) The court may issue a permanent injunction to restrain, abate, or prevent the continuance or recurrence of the violation of section 1 of this act. The court may grant declaratory relief, mandatory orders, or any other relief deemed necessary to accomplish the purposes of the injunction. The court may retain jurisdiction of the case for the purpose of enforcing its orders.

NEW SECTION. **Sec. 3.** Any law enforcement-related, corrections officer-related, or court-related employee or volunteer who suffers damages as a result of a person or organization selling, trading, giving, publishing, distributing, or otherwise releasing the residential address, residential telephone number, birthdate, or social security number of the employee or volunteer in violation of section 1 of this act may bring an action against the person or organization in court for actual damages sustained, plus attorneys' fees and costs.

NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are each added to chapter 4.24 RCW."

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6702 Prime Sponsor, Senate Committee on Human Services & Corrections: Protecting sibling relationships. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass. Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell and Nixon.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia and Morell.
Excused: Representatives Nixon and Orcutt.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6703 Prime Sponsor, Senate Committee on Agriculture & International Trade: Changing timing provisions relating to agricultural liens. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6704 Prime Sponsor, Senate Committee on Judiciary: Increasing penalties for terrorist acts.
Reported by Committee on Select Committee on Community Security

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. LEGISLATIVE FINDINGS--INTENT. The legislature finds that the events of September 11, 2001, have focused our nation's attention on the importance of preparedness in preventing, investigating, and prosecuting acts of terrorism against its citizens. The legislature further finds that, to be effective, this effort requires a partnership among the federal, state, and local governments. In furtherance of this partnership, it is the legislature's intent to strengthen the laws of the state of Washington to better protect the health and safety of Washington state and its residents from acts of terrorism. It is also the intent of the legislature that this act be interpreted to provide the greatest measure of protection and safety for the people of this state and to preserve and protect their constitutional rights, including the right to petition their governments and to exercise their rights under the First Amendment to the United States Constitution.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Biological agent" means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring microorganism, virus, infectious substance, biological product, or toxin or vector, or any naturally occurring or bioengineered component thereof, capable of causing:

(a) Death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism; or

(b) Deterioration of food, water equipment, supplies, or material of any kind; or

(c) Deleterious alteration of the environment.

(2) "Chemical agent" means any weapon, device, material, or substance that is designed or intended to cause widespread death or physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

(3) "Imitation weapon of mass destruction" means any device, object, or substance that is not a weapon of mass destruction, but which by appearance or representation would lead a reasonable person to believe that the device or substance is a weapon of mass destruction.

(4) "Material support or resources" means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, intelligence information, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other assets.

(5) "Physical damage" has the meaning given in RCW 9A.48.100.

(6) "Public water system" means any publicly or privately owned system, including a system serving only one single-family residence, providing piped water for human consumption, including any collection, treatment, storage, or distribution facilities.

(7) "Radioactive material" means any material containing, emitting, or otherwise releasing radiation or radioactivity at a level dangerous to human life.

(8) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:

(a) Any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(b) Any poisonous isomer or biological product, homolog, or derivative of such a substance.

(9) "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.

(10) "Weapon of mass destruction" means any device, object, or substance that is designed, or that a person intends to use, to cause multiple human deaths, or a biological agent, radioactive material, or chemical agent that is possessed, released, or disseminated without lawful authority.

NEW SECTION. Sec. 3. TERRORISM IN THE FIRST DEGREE. (1) A person is guilty of terrorism in the first degree if such person, with the intent to significantly disrupt the conduct of government or of the general civilian population of the state or the United States, commits an act which manifests an extreme indifference to human life and thereby causes the death of another person.

(2) For the purposes of this section, "another person," in addition to its ordinary meaning, includes, but is not limited to, any emergency services personnel or a member of the civilian population responding, at any point in time, to render aid in response to the act referred to in subsection (1) of this section.

(3) Terrorism in the first degree is a class A felony and, any other provision of law notwithstanding, is punishable as provided in RCW 10.95.010, 10.95.030 through 10.95.900, and section 13 of this act.

NEW SECTION. Sec. 4. TERRORISM IN THE SECOND DEGREE. (1) A person is guilty of terrorism in the second degree if such person, with the intent to significantly disrupt the conduct of government or of the general civilian population of the state or the United States, commits an act which manifests an extreme indifference to human life and thereby:

(a) Causes substantial bodily harm to any other person; or

(b) Causes substantial damage to a habitable building or structure, whether or not occupied, sufficient to create a substantial risk of death to another person if the building or structure had been occupied by any such person; or

(c) Causes substantial physical damage sufficient to disrupt the normal functioning of a critical public or private infrastructure system including, but not limited to, a public water system, or an emergency, governmental, medical, fire, or law enforcement response system.

(2) Terrorism in the second degree is a class A felony.

NEW SECTION. Sec. 5. UNLAWFUL USE OR POSSESSION OF A WEAPON OF MASS DESTRUCTION. (1) Any person who, with the intent to significantly disrupt the conduct of government or of the general civilian population of the state or the United States by engaging in conduct manifesting extreme indifference to human life, uses, manufactures, transports, possesses, spills, disposes of, or otherwise releases a weapon of mass destruction is guilty of unlawful use or possession of a weapon of mass destruction.

(2) Unlawful use or possession of a weapon of mass destruction is a class A felony.

NEW SECTION. Sec. 6. THREATENING ACTS OF TERRORISM. (1) Any person who knowingly threatens to use or release, or falsely claims to have used or released, a weapon of mass destruction, or who takes any other action intended to cause a reasonable belief that a weapon of mass destruction has been or will be used or released, including, but not limited to, placement of an imitation weapon of mass destruction in an area open to or frequented by the public, is guilty of:

(a) Threatening acts of terrorism in the first degree if the offense is committed with the intent to significantly disrupt the conduct of government or of the general civilian population of the state or

the United States by threatening to engage in conduct which manifests an extreme indifference to human life. Threatening acts of terrorism in the first degree is a class B felony;

(b) Threatening acts of terrorism in the second degree if the offense is committed under circumstances not amounting to threatening acts of terrorism in the first degree. Threatening acts of terrorism in the second degree is a class C felony.

(2) It is not a defense to any prosecution under this section that the defendant did not have the intention or capability of actually using or releasing a weapon of mass destruction.

NEW SECTION. Sec. 7. PROVIDING MATERIAL SUPPORT OR RESOURCES TO TERRORISTS. (1) Any person who knowingly provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, intending that the material support or resources are to be used in planning, preparing for, or carrying out a crime defined in this chapter, or in planning, preparing for, or carrying out the concealment or an escape from the commission of any such offense, is guilty of providing material support or resources to terrorists.

(2) Providing material support or resources to terrorists is a class B felony.

NEW SECTION. Sec. 8. UNLAWFUL POSSESSION OF FALSE IDENTIFICATION FOR TERRORIST PURPOSES. (1) A person is guilty of unlawful possession of false identification for terrorist purposes if he or she, with the intent to commit or facilitate the commission of a crime defined in this chapter, possesses or uses any document or record that contains false information relating to the person who is the subject of such document or record.

(2) Unlawful possession of false identification for terrorist purposes is a class B felony.

Sec. 9. RCW 9A.82.010 and 2001 c 222 s 3 and 2001 c 217 s 11 are each reenacted and amended to read as follows:

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

(1)(a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest is considered to be located where the real property owned by the trustee is located.

(2) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(3) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(4) "Criminal profiteering" means any act, including any anticipatory or completed offense, committed for financial gain, or any offense, including any anticipatory or completed offense, which is defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act), whether or not committed for financial gain, that is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, as any of the following:

(a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;

(b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;

(c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;

(d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;

- (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and 9A.56.080;
 - (f) Unlawful sale of subscription television services, as defined in RCW 9A.56.230;
 - (g) Theft of telecommunication services or unlawful manufacture of a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
 - (h) Child selling or child buying, as defined in RCW 9A.64.030;
 - (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and 9A.68.050;
 - (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
 - (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
 - (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
 - (m) Advancing money for use in an extortionate extension of credit, as defined in RCW 9A.82.030;
 - (n) Collection of an extortionate extension of credit, as defined in RCW 9A.82.040;
 - (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
 - (p) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;
 - (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
 - (r) Leading organized crime, as defined in RCW 9A.82.060;
 - (s) Money laundering, as defined in RCW 9A.83.020;
 - (t) Obstructing criminal investigations or prosecutions in violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130, 9A.76.070, or 9A.76.180;
 - (u) Fraud in the purchase or sale of securities, as defined in RCW 21.20.010;
 - (v) Promoting pornography, as defined in RCW 9.68.140;
 - (w) Sexual exploitation of children, as defined in RCW 9.68A.040, 9.68A.050, and 9.68A.060;
 - (x) Promoting prostitution, as defined in RCW 9A.88.070 and 9A.88.080;
 - (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
 - (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
 - (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
 - (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
 - (cc) Commercial telephone solicitation in violation of RCW 19.158.040(1);
 - (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
 - (ee) Unlawful practice of law, as defined in RCW 2.48.180;
 - (ff) Commercial bribery, as defined in RCW 9A.68.060;
 - (gg) Health care false claims, as defined in RCW 48.80.030;
 - (hh) Unlicensed practice of a profession or business, as defined in RCW 18.130.190(7);
 - (ii) Improperly obtaining financial information, as defined in RCW 9.35.010; ((~~☞~~))
 - (jj) Identity theft, as defined in RCW 9.35.020;
 - (kk) Terrorism in the first degree, as defined in section 3 of this act;
 - (ll) Terrorism in the second degree, as defined in section 4 of this act;
 - (mm) Unlawful use or possession of a weapon of mass destruction, as defined in section 5 of this act;
 - (nn) Threatening acts of terrorism in the first degree, as defined in section 6(1)(a) of this act;
 - (oo) Threatening acts of terrorism in the second degree, as defined in section 6(1)(b) of this act;
 - (pp) Providing material support or resources to terrorists, as defined in section 7 of this act; or
 - (qq) Unlawful possession of false identification for terrorist purposes, as defined in section 8 of this act.
- (5) "Dealer in property" means a person who buys and sells property as a business.
- (6) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.
- (7) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which

information can be obtained or from which information can be translated into usable form, or other tangible item.

(8) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(9) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(10) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(11) "Financial institution" means any bank, trust company, savings and loan association, savings bank, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(12) "Pattern of criminal profiteering activity" means engaging in at least three acts of criminal profiteering, one of which occurred after July 1, 1985, and the last of which occurred within five years, excluding any period of imprisonment, after the commission of the earliest act of criminal profiteering. In order to constitute a pattern, the three acts must have the same or similar intent, results, accomplices, principals, victims, or methods of commission, or be otherwise interrelated by distinguishing characteristics including a nexus to the same enterprise, and must not be isolated events. However, in any civil proceedings brought pursuant to RCW 9A.82.100 by any person other than the attorney general or county prosecuting attorney in which one or more acts of fraud in the purchase or sale of securities are asserted as acts of criminal profiteering activity, it is a condition to civil liability under RCW 9A.82.100 that the defendant has been convicted in a criminal proceeding of fraud in the purchase or sale of securities under RCW 21.20.400 or under the laws of another state or of the United States requiring the same elements of proof, but such conviction need not relate to any act or acts asserted as acts of criminal profiteering activity in such civil action under RCW 9A.82.100.

(13) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(14) "Records" means any book, paper, writing, record, computer program, or other material.

(15) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(16) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(17) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(18) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(19) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of the property to another person.

(20)(a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under (a)(i) or (ii) of this subsection.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust;

(iii) A trustee of any indenture of trust under which a bond is issued; or

(iv) A trustee under a deed of trust.

(21) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in full or in part because the debt was incurred or contracted:

- (a) In violation of any one of the following:
 - (i) Chapter 67.16 RCW relating to horse racing;
 - (ii) Chapter 9.46 RCW relating to gambling;
- (b) In a gambling activity in violation of federal law; or
- (c) In connection with the business of lending money or a thing of value at a rate that is at least twice the permitted rate under the applicable state or federal law relating to usury.

Sec. 10. RCW 9A.82.090 and 2001 c 222 s 13 are each amended to read as follows:

During the pendency of any criminal case charging a violation of RCW 9A.82.060 or (~~a violation of RCW~~) 9A.82.080, or of an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, the superior court may, in addition to its other powers, issue an order pursuant to RCW 9A.82.100 (2) or (3). Upon conviction of a person for a violation of RCW 9A.82.060 or (~~a violation of RCW~~) 9A.82.080, or of an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, the superior court may, in addition to its other powers of disposition, issue an order pursuant to RCW 9A.82.100.

Sec. 11. RCW 9A.82.100 and 2001 c 222 s 14 are each amended to read as follows:

(1)(a) A person who sustains injury to his or her person, business, or property by an act of criminal profiteering that is part of a pattern of criminal profiteering activity, or by an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or by a violation of RCW 9A.82.060 or 9A.82.080 may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(b) The attorney general or county prosecuting attorney may file an action: (i) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (ii) to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or a violation of RCW 9A.82.060 or 9A.82.080.

(c) An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees.

(d) In an action filed to prevent, restrain, or remedy a pattern of criminal profiteering activity, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or a violation of RCW 9A.82.060 or 9A.82.080, the court, upon proof of the violation, may impose a civil penalty not exceeding two hundred fifty thousand dollars, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy a pattern of criminal profiteering, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or a violation of RCW 9A.82.060 or 9A.82.080 after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, orders issued under subsection (2) of this section may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper. The orders may also include attachment, receivership, or injunctive relief in regard to personal or real property pursuant to Title 7 RCW. In shaping the reach or scope of receivership, attachment, or injunctive relief, the superior court shall provide for the protection of bona fide interests in property, including community property, of persons who were not involved in the violation of this chapter,

except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture under RCW 9A.82.100(4)(f).

(4) Following a determination of liability, orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of actual damages sustained to those persons injured by a violation of RCW 9A.82.060 or 9A.82.080, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or an act of criminal profiteering that is part of a pattern of criminal profiteering, and in the court's discretion, increasing the payment to an amount not exceeding three times the actual damages sustained.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of a pattern of criminal profiteering activity, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or a violation of RCW 9A.82.060 or 9A.82.080, civil and criminal, incurred by the state or county, including any costs of defense provided at public expense, as appropriate to the state general fund or the antiprofitteering revolving fund of the county.

(f) Ordering forfeiture first as restitution to any person damaged by an act of criminal profiteering that is part of a pattern of criminal profiteering, or by an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, then to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered to be paid in other damages, of the following:

(i) Any property or other interest acquired or maintained in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds, and any appreciation or income attributable to the investment, from a violation of RCW 9A.82.060 or 9A.82.080.

(ii) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(iii) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, and all moneys, negotiable instruments, securities, and other things of value significantly used or intended to be used significantly to facilitate commission of the offense.

(g) Ordering payment to the state general fund or antiprofitteering revolving fund of the county, as appropriate, of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of criminal profiteering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the state general fund or antiprofitteering revolving fund of the county, as appropriate, to the extent not already ordered paid pursuant to this section, of the following:

(a) Any interest acquired or maintained by a person in violation of RCW 9A.82.060 or 9A.82.080 to the extent of the investment of funds obtained from a violation of RCW 9A.82.060 or 9A.82.080 and any appreciation or income attributable to the investment.

(b) Any property, contractual right, or claim against property used to influence any enterprise that a person has established, operated, controlled, conducted, or participated in the conduct of, in violation of RCW 9A.82.060 or 9A.82.080.

(c) All proceeds traceable to or derived from an offense included in the pattern of criminal profiteering activity, or an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, and all moneys, negotiable instruments,

securities, and other things of value significantly used or intended to be used significantly to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded in any civil proceeding from denying the essential allegations of the criminal offense proven in the criminal trial in which the defendant was convicted. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict, finding, or plea of guilty, notwithstanding the fact that appellate review of the conviction and sentence has been or may be sought. If a subsequent reversal of the conviction occurs, any judgment that was based upon that conviction may be reopened upon motion of the defendant.

(7) The initiation of civil proceedings under this section shall be commenced within three years after discovery of the pattern of criminal profiteering activity or after the pattern should reasonably have been discovered or, in the case of an offense which is defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act), within three years after the final disposition of any criminal charges relating to the offense, whichever is later.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting RCW 9A.82.010, 9A.82.080, 9A.82.090, 9A.82.110, or 9A.82.120, or this section.

(13) A private civil action under this section does not limit any other civil or criminal action under this chapter or any other provision. Private civil remedies provided under this section are supplemental and not mutually exclusive.

(14) Upon motion by the defendant, the court may authorize the sale or transfer of assets subject to an order or lien authorized by this chapter for the purpose of paying actual attorney's fees and costs of defense. The motion shall specify the assets for which sale or transfer is sought and shall be accompanied by the defendant's sworn statement that the defendant has no other assets available for such purposes. No order authorizing such sale or transfer may be entered unless the court finds that the assets involved are not subject to possible forfeiture under RCW 9A.82.100(4)(f). Prior to disposition of the motion, the court shall notify the state of the assets sought to be sold or transferred and shall hear argument on the issue of whether the assets are subject to forfeiture under RCW 9A.82.100(4)(f). Such a motion may be made from time to time and shall be heard by the court on an expedited basis.

(15) In an action brought under subsection (1)(a) and (b)(i) of this section, either party has the right to a jury trial.

Sec. 12. RCW 9A.82.120 and 2001 c 222 s 16 are each amended to read as follows:

(1) The state, upon filing a criminal action under RCW 9A.82.060 or 9A.82.080 or for an offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act) whether or not committed for financial gain, or a civil action under RCW 9A.82.100, may file in accordance with this section a criminal profiteering lien. A filing fee or other charge is not required for filing a criminal profiteering lien.

(2) A criminal profiteering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

- (a) The name of the defendant whose property or other interests are to be subject to the lien;
- (b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;
- (c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;
- (d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;
- (e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;
- (f) A statement that the notice is being filed pursuant to this section;
- (g) The amount that the state claims in the action or, with respect to property or other interests that the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;
- (h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property that is subject to forfeiture to the state or property in which the defendant has an interest that is available to satisfy a judgment entered in favor of the state; and
- (i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended criminal profiteering lien in accordance with this section that identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a criminal profiteering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a criminal profiteering lien filed in accordance with this section.

(5)(a) A criminal profiteering lien is perfected against interests in personal property in the same manner as a security interest in like property pursuant to RCW 62A.9-302, 62A.9-303, 62A.9-304, 62A.9-305, and 62A.9-306 or as otherwise required to perfect a security interest in like property under applicable law. In the case of perfection by filing, the state shall file, in lieu of a financing statement in the form prescribed by RCW 62A.9-402, a notice of lien in substantially the following form:

NOTICE OF LIEN

Pursuant to RCW 9A.82.120, the state of Washington claims a criminal profiteering lien on all real and personal property of:

Name:

Address:

.....
.....
.....

State of Washington

By (authorized signature)

On receipt of such a notice from the state, a filing officer shall, without payment of filing fee, file and index the notice as if it were a financing statement naming the state as secured party and the defendant as debtor.

(b) A criminal profiteering lien is perfected against interests in real property by filing the lien in the office where a mortgage on the real estate would be filed or recorded. The filing officer shall file and index the criminal profiteering lien, without payment of a filing fee, in the same manner as a mortgage.

(6) The filing of a criminal profiteering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) The lien created in favor of the state in accordance with this section, when filed or otherwise perfected as provided in subsection (5) of this section, has, with respect to any of the property described in subsection (6) of this section, the same priority determined pursuant to the laws of this state as a mortgage or security interest given for value (but not a purchase money security interest) and perfected in the same manner with respect to such property; except that any lien perfected pursuant to Title 60 RCW by any person who, in the ordinary course of his business, furnishes labor, services, or materials, or rents, leases, or otherwise supplies equipment, without knowledge of the criminal profiteering lien, is superior to the criminal profiteering lien.

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the criminal profiteering lien or, if no criminal profiteering lien is filed, then to the date of recording of the final judgment or the abstract thereof; or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a criminal profiteering lien in accordance with this section, whichever is earlier, but if the property was not seized and no criminal profiteering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under RCW 9A.82.100 or appropriate to protect the interests of the state or available under other applicable law.

(11) In a civil or criminal action under this chapter, the superior court shall provide for the protection of bona fide interests in property, including community property, subject to liens of persons who were not involved in the violation of this chapter, except to the extent that such interests or property were acquired or used in such a way as to be subject to forfeiture pursuant to RCW 9A.82.100(4)(f).

NEW SECTION. Sec. 13. A new section is added to chapter 10.95 RCW to read as follows:
AGGRAVATED FIRST DEGREE MURDER--DEFINITION--ALTERNATIVE MEANS OF COMMISSION--TERRORISM IN THE FIRST DEGREE. A person is guilty of aggravated murder in the first degree if he or she commits terrorism in the first degree as defined by section 3 of this act and shall be punished in accordance with the provisions of this chapter.

Sec. 14. RCW 10.95.040 and 1981 c 138 s 4 are each amended to read as follows:

(1) If a person is charged with aggravated first degree murder as defined by RCW 10.95.020 or section 13 of this act, the prosecuting attorney shall file written notice of a special sentencing proceeding to determine whether or not the death penalty should be imposed when there is reason to believe that there are not sufficient mitigating circumstances to merit leniency.

(2) The notice of special sentencing proceeding shall be filed and served on the defendant or the defendant's attorney within thirty days after the defendant's arraignment upon the charge of aggravated first degree murder unless the court, for good cause shown, extends or reopens the period for filing and service of the notice. Except with the consent of the prosecuting attorney, during the period in which the prosecuting attorney may file the notice of special sentencing proceeding, the defendant may not tender a plea of guilty to the charge of aggravated first degree murder nor may the court accept a plea of guilty to the charge of aggravated first degree murder or any lesser included offense.

(3) If a notice of special sentencing proceeding is not filed and served as provided in this section, the prosecuting attorney may not request the death penalty.

Sec. 15. RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
 - Terrorism 1 (RCW 9A.--.-- (section 3 of this act))

- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
 - Terrorism 2 (RCW 9A.--.-- (section 4 of this act))

- XIV Murder 2 (RCW 9A.32.050)
 - Unlawful Use or Possession of a Weapon of Mass Destruction (RCW 9A.--.-- (section 5 of this act))

- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))

- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
 - Threatening Acts of Terrorism 1 (RCW 9A.--.-- (section 6(1)(a) of this act))

- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)

- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW
69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a
narcotic from Schedule I or II, or flunitrazepam
from Schedule IV to someone under 18 (RCW
69.50.406)
Providing Material Support or Resources to Terrorists
(RCW 9A.--.--- (section 7 of this act))
Sexually Violent Predator Escape (RCW 9A.76.115)
Unlawful Possession of False Identification for
Terrorist Purposes (RCW 9A.--.--- (section 8 of this
act))

IX Assault of a Child 2 (RCW 9A.36.130)
Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the influence
of intoxicating liquor or any drug (RCW
79A.60.050)
Inciting Criminal Profiteering (RCW
9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW
70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV,
or V or a nonnarcotic, except flunitrazepam or
methamphetamine, from Schedule I-V to someone
under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of
intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)
Deliver or possess with intent to deliver
methamphetamine (RCW 69.50.401(a)(1)(ii))
Homicide by Watercraft, by the operation of any
vessel in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver
amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver
heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of Ephedrine, Pseudoephedrine, or
Anhydrous Ammonia with intent to manufacture
methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any
controlled substance (RCW 69.50.410)
Theft of Anhydrous Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle
in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually
explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety
of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion)
(RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW
69.50.401(f))
Malicious placement of an explosive 3 (RCW
70.74.270(3))
Sending, bringing into state depictions of minor
engaged in sexually explicit conduct (RCW
9.68A.060)
Unlawful Possession of a Firearm in the first degree
(RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony
(RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of
others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110,
9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule I or II (except heroin or
cocaine) or flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW
69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate
extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW
9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))
Domestic Violence Court Order Violation (RCW
10.99.040, 10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit
(RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW
9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW
79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen
(subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW
9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule III, IV, or V or
nonnarcotics from Schedule I-V (except marijuana,
amphetamine, methamphetamines, or flunitrazepam)
(RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW
9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of
intoxicating liquor or any drug, or by the operation

or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

- III Abandonment of dependent person 2 (RCW 9A.42.070)
 - Assault 3 (RCW 9A.36.031)
 - Assault of a Child 3 (RCW 9A.36.140)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 - Burglary 2 (RCW 9A.52.030)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Criminal Gang Intimidation (RCW 9A.46.120)
 - Criminal Mistreatment 2 (RCW 9A.42.030)
 - Custodial Assault (RCW 9A.36.100)
 - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 - Escape 2 (RCW 9A.76.120)
 - Extortion 2 (RCW 9A.56.130)
 - Harassment (RCW 9A.46.020)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
 - Malicious Injury to Railroad Property (RCW 81.60.070)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Perjury 2 (RCW 9A.72.030)
 - Possession of Incendiary Device (RCW 9.40.120)
 - Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Securities Act violation (RCW 21.20.400)
 - Tampering with a Witness (RCW 9A.72.120)
 - Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
 - Theft of Livestock 2 (RCW 9A.56.080)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 - Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
 - Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Identity Theft 2 (RCW 9.35.020(2)(b))
 - Improperly Obtaining Financial Information (RCW 9.35.010)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 16. RCW 13.40.0357 and 2001 c 217 s 13 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE JUVENILE DISPOSITION
DISPOSITION CATEGORY FOR ATTEMPT,
OFFENSE BAILJUMP, CONSPIRACY,
CATEGORY DESCRIPTION (RCW CITATION) OR SOLICITATION

Arson and Malicious Mischief

A Arson 1 (9A.48.020) B+
B Arson 2 (9A.48.030) C
C Reckless Burning 1 (9A.48.040) D
D Reckless Burning 2 (9A.48.050) E
B Malicious Mischief 1 (9A.48.070) C
C Malicious Mischief 2 (9A.48.080) D
D Malicious Mischief 3 (< \$50 is
E class) (9A.48.090) E
E Tampering with Fire Alarm
Apparatus (9.40.100) E
A Possession of Incendiary Device
(9.40.120) B+

**Assault and Other Crimes
Involving Physical Harm**

A Assault 1 (9A.36.011) B+
B+ Assault 2 (9A.36.021) C+
C+ Assault 3 (9A.36.031) D+
D+ Assault 4 (9A.36.041) E
B+ Drive-By Shooting
(9A.36.045) C+
D+ Reckless Endangerment
(9A.36.050) E
C+ Promoting Suicide Attempt
(9A.36.060) D+
D+ Coercion (9A.36.070) E
C+ Custodial Assault (9A.36.100) D+

Burglary and Trespass

B+ Burglary 1 (9A.52.020) C+
B Residential Burglary
(9A.52.025) C
B Burglary 2 (9A.52.030) C
D Burglary Tools (Possession of)
(9A.52.060) E
D Criminal Trespass 1 (9A.52.070) E
E Criminal Trespass 2 (9A.52.080) E
C Vehicle Prowling 1 (9A.52.095) D
D Vehicle Prowling 2 (9A.52.100) E

Drugs

E Possession/Consumption of Alcohol
(66.44.270) E

- C Illegally Obtaining Legend Drug
(69.41.020) D
- C+ Sale, Delivery, Possession of Legend
Drug with Intent to Sell
(69.41.030) D+
- E Possession of Legend Drug
(69.41.030) E
- B+ Violation of Uniform Controlled
Substances Act - Narcotic,
Methamphetamine, or Flunitrazepam
Sale (69.50.401(a)(1) (i) or (ii)) B+
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic Sale
(69.50.401(a)(1)(iii)) C
- E Possession of Marihuana < 40 grams
(69.50.401(e)) E
- C Fraudulently Obtaining Controlled
Substance (69.50.403) C
- C+ Sale of Controlled Substance
for Profit (69.50.410) C+
- E Unlawful Inhalation (9.47A.020) E
- B Violation of Uniform Controlled
Substances Act - Narcotic,
Methamphetamine, or Flunitrazepam
Counterfeit Substances
(69.50.401(b)(1) (i) or (ii)) B
- C Violation of Uniform Controlled
Substances Act - Nonnarcotic
Counterfeit Substances
(69.50.401(b)(1) (iii), (iv), (v)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(d)) C
- C Violation of Uniform Controlled
Substances Act - Possession of a
Controlled Substance
(69.50.401(c)) C

Firearms and Weapons

- B Theft of Firearm (9A.56.300) C
- B Possession of Stolen Firearm
(9A.56.310) C
- E Carrying Loaded Pistol Without
Permit (9.41.050) E
- C Possession of Firearms by Minor (< 18)
(9.41.040(1)(b)(iii)) C
- D+ Possession of Dangerous Weapon
(9.41.250) E
- D Intimidating Another Person by use
of Weapon (9.41.270) E

Homicide

- A+ Murder 1 (9A.32.030) A

A+ Murder 2 (9A.32.050) B+
B+ Manslaughter 1 (9A.32.060) C+
C+ Manslaughter 2 (9A.32.070) D+
B+ Vehicular Homicide (46.61.520) C+

Kidnapping

A Kidnap 1 (9A.40.020) B+
B+ Kidnap 2 (9A.40.030) C+
C+ Unlawful Imprisonment
(9A.40.040) D+

Obstructing Governmental Operation

D Obstructing a Law Enforcement
Officer (9A.76.020) E
E Resisting Arrest (9A.76.040) E
B Introducing Contraband 1
(9A.76.140) C
C Introducing Contraband 2
(9A.76.150) D
E Introducing Contraband 3
(9A.76.160) E
B+ Intimidating a Public Servant
(9A.76.180) C+
B+ Intimidating a Witness
(9A.72.110) C+

Public Disturbance

C+ Riot with Weapon (9A.84.010) D+
D+ Riot Without Weapon
(9A.84.010) E
E Failure to Disperse (9A.84.020) E
E Disorderly Conduct (9A.84.030) E

Sex Crimes

A Rape 1 (9A.44.040) B+
A- Rape 2 (9A.44.050) B+
C+ Rape 3 (9A.44.060) D+
A- Rape of a Child 1 (9A.44.073) B+
B+ Rape of a Child 2 (9A.44.076) C+
B Incest 1 (9A.64.020(1)) C
C Incest 2 (9A.64.020(2)) D
D+ Indecent Exposure
(Victim < 14) (9A.88.010) E
E Indecent Exposure
(Victim 14 or over) (9A.88.010) E
B+ Promoting Prostitution 1
(9A.88.070) C+
C+ Promoting Prostitution 2
(9A.88.080) D+
E O & A (Prostitution) (9A.88.030) E
B+ Indecent Liberties (9A.44.100) C+
A- Child Molestation 1 (9A.44.083) B+
B Child Molestation 2 (9A.44.086) C+

Terrorism

- A+ Terrorism in the First Degree (section 3 of this act) A
- A Terrorism in the Second Degree (section 4 of this act) B+
- B+ Unlawful Use or Possession of Weapon of Mass Destruction (section 5 of this act) C+
- B Threatening Acts of Terrorism 1 (section 6(1)(a) of this act) C
- C+ Providing Material Support or Resources to Terrorists (section 7 of this act) D+
- C Unlawful Possession of False Identification for Terrorist Purposes (section 8 of this act) D
- D+ Threatening Acts of Terrorism 2 (section 6(1)(b) of this act) E

Theft, Robbery, Extortion, and Forgery

- B Theft 1 (9A.56.030) C
- C Theft 2 (9A.56.040) D
- D Theft 3 (9A.56.050) E
- B Theft of Livestock (9A.56.080) C
- C Forgery (9A.60.020) D
- A Robbery 1 (9A.56.200) B+
- B+ Robbery 2 (9A.56.210) C+
- B+ Extortion 1 (9A.56.120) C+
- C+ Extortion 2 (9A.56.130) D+
- C Identity Theft 1 (9.35.020(2)(a)) D
- D Identity Theft 2 (9.35.020(2)(b)) E
- D Improperly Obtaining Financial Information (~~((9.35.010))~~) (9.35.010) E
- B Possession of Stolen Property 1 (9A.56.150) C
- C Possession of Stolen Property 2 (9A.56.160) D
- D Possession of Stolen Property 3 (9A.56.170) E
- C Taking Motor Vehicle Without Owner's Permission (9A.56.070) D

Motor Vehicle Related Crimes

- E Driving Without a License (46.20.005) E
- B+ Hit and Run - Death (46.52.020(4)(a)) C+
- C Hit and Run - Injury (46.52.020(4)(b)) D
- D Hit and Run-Attended (46.52.020(5)) E
- E Hit and Run-Unattended (46.52.010) E

- C Vehicular Assault (46.61.522) D
- C Attempting to Elude Pursuing
Police Vehicle (46.61.024) D
- E Reckless Driving (46.61.500) E
- D Driving While Under the Influence
(46.61.502 and 46.61.504) E

Other

- B Bomb Threat (9.61.160) C
- C Escape 11 (9A.76.110) C
- C Escape 21 (9A.76.120) C
- D Escape 3 (9A.76.130) E
- E Obscene, Harassing, Etc.,
Phone Calls (9.61.230) E
- A Other Offense Equivalent to an
Adult Class A Felony B+
- B Other Offense Equivalent to an
Adult Class B Felony C
- C Other Offense Equivalent to an
Adult Class C Felony D
- D Other Offense Equivalent to an
Adult Gross Misdemeanor E
- E Other Offense Equivalent to an
Adult Misdemeanor E
- V Violation of Order of Restitution,
Community Supervision, or
Confinement (13.40.200)2 V

1Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

2If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |

30-40 | | |
WEEKS FOR | | |
15-17 | | |
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129
Offense WEEKS | WEEKS | WEEKS | WEEKS
Category

B LOCAL | | 52-65
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |
| 15-36 WEEKS

C LS | 15-36 WEEKS
Local Sanctions: |
0 to 30 Days

D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

**OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE**

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

**OPTION C
MANIFEST INJUSTICE**

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

Sec. 17. RCW 9.94A.030 and 2001 2nd sp.s. c 12 s 301, 2001 c 300 s 3, and 2001 c 7 s 2 are each reenacted and amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(10) "Confinement" means total or partial confinement.

(11) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(12) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(13) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (a) whether the defendant has been placed on probation and the length and terms thereof; and (b) whether the defendant has been incarcerated and the length of incarceration.

(14) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(15) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(16) "Department" means the department of corrections.

(17) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(18) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(19) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(20) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(21) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(22) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(23) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), or felony hit-and-run injury-accident (RCW 46.52.020(4)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(24) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(25) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(26) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(27) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon

conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(28) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997.

(29) "Nonviolent offense" means an offense which is not a violent offense.

(30) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(31) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial

portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(32) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (32)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(33) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(34) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(35) "Risk assessment" means the application of an objective instrument supported by research and adopted by the department for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations.

(36) "Serious traffic offense" means:

(a) Driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(37) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; ~~((e))~~

(ix) Terrorism in the first degree (RCW 9A.--.-- (section 3 of this act));

(x) Terrorism in the second degree (RCW 9A.--.-- (section 4 of this act));

(xi) Unlawful use or possession of a weapon of mass destruction (RCW 9A.--.--- (section 5 of this act)); or

(xii) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies;
or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(38) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(11);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.070 or 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(39) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(40) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(41) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(42) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(43) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(44) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(45) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(46) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(47) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(48) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 18. RCW 9A.04.080 and 1998 c 221 s 2 are each amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Any offense defined in chapter 9A.-- RCW (sections 1 through 8 and 19 through 25 of this act);

(iii) Homicide by abuse;

~~((iii))~~ (iv) Arson if a death results;

~~((iv))~~ (v) Vehicular homicide;

~~((v))~~ (vi) Vehicular assault if a death results;

~~((vi))~~ (vii) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

NEW SECTION. Sec. 19. CRIMINAL PENALTIES ADDITIONAL TO CIVIL AND ADMINISTRATIVE SANCTIONS. The penalties imposed pursuant to this chapter shall be in addition to, and not in lieu of, all other civil, administrative, and other penalties and remedies provided for by other laws providing penalties or remedies for actions or conduct which also constitutes a violation of this chapter.

NEW SECTION. Sec. 20. ADDITIONAL PENALTIES. In addition to all other penalties, criminal or civil, and any other provision of law notwithstanding, any person convicted of any of the offenses described in this chapter shall be ordered by the sentencing court to:

(1) Make restitution for actual damages sustained to those persons or entities injured by the commission of any of the offenses described in this chapter;

(2) Make restitution of all costs and expenses incurred by the state or county in the investigation and prosecution of the offense, including any costs of defense provided at public expense.

NEW SECTION. Sec. 21. ANTIMERGER PROVISION. Every person who, in the commission of an offense defined by this chapter, commits any other crime may be punished therefor, as well as for the violation of this chapter, and may be prosecuted for each crime separately.

NEW SECTION. Sec. 22. SECTION CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 23. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. SHORT TITLE. This act shall be known as the Washington AntiTerrorism Act of 2002.

NEW SECTION. Sec. 25. DECLARING AN EMERGENCY. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 26. CODIFICATION INSTRUCTIONS. Sections 1 through 8 and 19 through 25 of this act constitute a new chapter in Title 9A RCW."

Correct the title.

Signed by Representatives Hurst, Chairman; Simpson, Vice Chairman; Lisk, Ranking Minority Member; Ballasiotes; Barlean; Benson; Buck; Campbell; Haigh; Jackley; Kessler; Morris; O'Brien and Schmidt.

MINORITY recommendation: Do not pass. Signed by Representatives Schual-Berke.

Voting yea: Representatives Hurst, Simpson, Lisk, Ballasiotes, Barlean, Benson, Buck, Campbell, Haigh, Jackley, Kessler, Morris, O'Brien and Schmidt.

Voting nay: Representative Schual-Berke.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6709 Prime Sponsor, Senator Eide: Addressing service and education planning for children in out-of-home care. Reported by Committee on Children & Family Services

MAJORITY recommendation: Do pass as amended.

On page 2, after line 17, insert the following:

NEW SECTION. **Sec. 2.** (1) The Nooksack Valley and Mount Vernon school districts shall implement a pilot project within existing resources to assist school age children in foster care fewer than seventy-five days to continue attending the school where they were enrolled before entering foster care. The pilot project shall be implemented as provided in this section no later than March 30, 2002, and shall conclude June 30, 2003. Data from the pilot project shall be compiled and submitted to the working group established in section 1 of this act no later than July 30, 2002, and periodically thereafter.

(2) For the purposes of the pilot project in the two school districts, the department of social and health services and the school districts shall, as appropriate, undertake the following activities:

(a) A school age child who enters foster care on or after March 30, 2002, shall, unless it is determined to be not in the best interest of the child, continue attending the school where she or he was enrolled before entering foster care, notwithstanding the physical location of the child's principal abode. The best interest of the child determination shall be made at the seventy-two hour shelter care hearing, and reviewed at any subsequent shelter care hearing.

(b) The department of social and health services, the school the child was attending prior to entering foster care, and the school that serves the child's foster home shall negotiate a plan for transporting the child to the school the child was attending prior to entering foster care. The department of social and health services shall not be responsible for the cost of transportation of the children in the pilot project.

(c) If the department of social and health services places a child in foster care, and the child does not continue to attend the school the child was attending prior to entering foster care, the department shall notify the school about the change.

NEW SECTION. **Sec. 3.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Tokuda, Chairman; Kagi, Vice Chairman; Boldt, Ranking Minority Member; Darneille; Dickerson; Miloscia; Morell and Nixon.

Voting yea: Representatives Tokuda, Kagi, Boldt, Darneille, Dickerson, Miloscia, Morell and Nixon.

Excused: Representative Orcutt.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6726 Prime Sponsor, Senator Rasmussen: Protecting dairy farmers from unwarranted complaints. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 26, 2002

SSB 6735 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Providing for direct deposit of unemployment compensation benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 50.20 RCW to read as follows:

An individual receiving benefits under this title may elect to have any payments due transferred to the individual's account in a financial institution for credit to the individual's account in such financial institution. The issuance and delivery by the disbursing officer of a warrant in accordance with the procedure set forth in this section and proper endorsement by the financial institution has the same legal effect as payment directly to the recipient.

For the purposes of this section "financial institution" has the meaning given in RCW 41.04.240.

NEW SECTION. **Sec. 2.** This act applies to claims effective on or after December 29, 2002."

Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Chandler; Kenney; Lysen and McMorris.

MINORITY recommendation: Do not pass. Signed by Representatives Clements, Ranking Minority Member;

Voting yea: Representatives Conway, Wood, Chandler, Kenney, Lysen and McMorris.
Voting Nay: Representative Clements.

Referred to Committee on Appropriations.

February 26, 2002

SB 6740 Prime Sponsor, Senator Rasmussen: Authorizing irrigation districts to accept various methods of payment. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Delvin; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Excused: Representative Cooper.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6769 Prime Sponsor, Senator Honeyford: Concerning sheepherder housing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Chandler; Kenney; Lysen and McMorris.

Voting yea: Representatives Conway, Wood, Clements, Chandler, Kenney, Lysen and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6777 Prime Sponsor, Senator Parlette: Selling apples for fresh consumption. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6788 Prime Sponsor, Senator Costa: Authorizing a travel payment for out-of-state parents of homicide victims. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 26, 2002

SB 6798 Prime Sponsor, Senator Horn: Revising provisions relating to street vacations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Armstrong;

Edwards; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan and Wood.

Voting yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Edwards, Ericksen, Haigh, Hankins, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Schindler, Simpson, Skinner and Wood.

Excused: Representatives Hatfield, Romero, Sullivan and Woods.

Passed to Committee on Rules for second reading.

February 28, 2002

SJM 8005 Prime Sponsor, Senator Fraser: Petitioning Congress to strengthen vessel safety standards. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Hunt, Vice Chair; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler; Chandler; Delvin; Holmquist; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.

Voting nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Passed to Committee on Rules for second reading.

February 28, 2002

ESJM 8023 Prime Sponsor, Senator Hale: Requesting full funding for the cleanup of the Hanford Reservation. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Schoesler, Ranking Minority Member; Chandler; Cooper; Delvin; Dunshee; Grant; Holmquist; Kirby; Quall; Roach and Sump.

Voting yea: Representatives Linville, Hunt, Schoesler, Chandler, Delvin, Grant, Holmquist, Kirby, Quall, Roach and Sump.

Voting Nay: Representatives Cooper and Dunshee.

Passed to Committee on Rules for second reading.

February 28, 2002

SSJM 8029 Prime Sponsor, Senate Committee on Agriculture & International Trade: Petitioning to end restrictions on trade of agricultural products with Cuba. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Fromhold and Gombosky.

MINORITY recommendation: Do not pass. Signed by Representatives Dunn and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Fromhold and Gombosky.

Voting nay: Representative Dunn.

Excused: Representative Mulliken.

Passed to Committee on Rules for second reading.

February 27, 2002

SJM 8030 Prime Sponsor, Senator Jacobsen: Requesting recognition of the Puget Sound Nearshore Ecosystem Restoration Project. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Doumit, Chairman; Rockefeller, Vice Chairman; Buck; Eickmeyer; Ericksen; Jackley; McDermott; Pearson and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Sump, Ranking Minority Member; Orcutt.

Voting yea: Representatives Doumit, Rockefeller, Buck, Eickmeyer, Ericksen, Jackley, McDermott, Pearson and Upthegrove.

Voting Nay: Representatives Sump and Orcutt.

Passed to Committee on Rules for second reading.

February 28, 2002

SCR 8406 Prime Sponsor, Senator Shin: Encouraging legislator trade mission participation. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 1, strike the remainder of the resolution and insert the following:

"WHEREAS, Washington state trade missions play a vital and important role in the state's economic development, promoting the growth of businesses and agriculture, and resulting in job creation; and

WHEREAS, The participation of Washington state legislators in trade missions is critical to the success of fostering strong relations with the state's trading partners and creating new trade opportunities for businesses in Washington state; and

WHEREAS, The participation of Washington state legislators in trade missions enables the legislature to craft legislation which better addresses trade and fosters better understanding between the people of Washington state and the people of other nations; and

WHEREAS, The involvement of Washington state legislators in trade missions should be governed by protocols adopted by the legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That state trade missions will be initiated and organized by the executive of the agency, which includes the Office of the Governor; and

BE IT FURTHER RESOLVED, That the following protocol order of precedence will be established for executive agency trade missions:

- (1) Governor;
- (2) Lieutenant governor;
- (3) Secretary of state;
- (4) State treasurer;
- (5) State auditor;
- (6) Attorney general;
- (7) Superintendent of public instruction;
- (8) Commissioner of public lands;
- (9) Insurance commissioner;

- (10) Chief justice of the supreme court;
- (11) Former governors;
- (12) Justices of the supreme court;
- (13) Members of the executive cabinet:
 - (a) Director of agriculture;
 - (b) Director of trade and economic development;
 - (c) Other members of the governor's executive cabinet;
 - (d) Chief of staff to the governor;
 - (e) Governor's special trade representative;
- (14) Speaker of the house of representatives;
- (15) President pro tempore of the senate;
- (16) Members of the senate;
- (17) Former lieutenant governors;
- (18) Members of the house of representatives;
- (19) Former secretaries of state; and

BE IT FURTHER RESOLVED, That the executive agency organizing the trade mission will inform both houses of the legislature, as well as the chair and ranking minority member of the appropriate legislative committees involved in agriculture and trade issues, of forthcoming trade missions in a timely manner. In its official notice to the legislature and appropriate legislative committees, the executive agency is responsible for providing the following information:

- (1) A statement of trade mission objectives, dates, and expected itinerary; and
- (2) A description of the type of knowledge, background, and experience held by a delegation member which might provide assistance to the trade mission; and

BE IT FURTHER RESOLVED, That the legislature shall develop criteria for legislator participation in trade missions; and

BE IT FURTHER RESOLVED, That the Office of the Governor, in consultation with the legislature, shall develop a two-tier fee system that establishes separate fees for nonlegislative participants and legislative participants where the fee charged legislative participants, including their guests and legislative staff, does not exceed the actual costs associated with their participation in the trade mission; and

BE IT FURTHER RESOLVED, That the secretary of the Senate and the Co-Chief Clerks of the House of Representatives shall explore and make recommendations to the legislature on methods to cover the costs of legislative member participation in trade missions; and

BE IT FURTHER RESOLVED, That the executive agency may request that one or more of the participating legislators serve as honorary designated leaders of the trade mission; and

BE IT FURTHER RESOLVED, That at least one or more legislators from each caucus of the Senate and the House of Representatives may participate in the trade mission, depending on the size and scope of the trade mission. The legislature will notify the executive agency of legislative participants in a timely manner; and

BE IT FURTHER RESOLVED, That whenever possible, legislators possessing business, foreign market, language, cultural expertise, or pertinent committee involvement to the trade mission are encouraged to participate; and

BE IT FURTHER RESOLVED, That each legislative participant is responsible for assisting the trade mission to achieve its stated goals and objectives; and

BE IT FURTHER RESOLVED, That the designated leader of the trade mission will work closely with agency staff to develop the trade mission protocols and responsibilities and define the working relationship with agency staff; and

BE IT FURTHER RESOLVED, That following completion of the trade mission, upon request, each legislative participant is encouraged to provide feedback concerning the mission and its results to the agency in a timely manner; and

BE IT FURTHER RESOLVED, That nothing in this resolution precludes members of the legislature from participating in the trade mission."

Signed by Representatives Veloria, Chairman; Eickmeyer, Vice Chairman; Van Luven, Ranking Minority Member; Ahern; Chase; Dunn; Fromhold; Gombosky and Mulliken.

Voting yea: Representatives Veloria, Eickmeyer, Van Luven, Ahern, Chase, Dunn, Fromhold, Gombosky and Mulliken.

Passed to Committee on Rules for second reading.

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

There being no objection, the following bills were placed on the second reading calendar:

HOUSE BILL NO. 2969,
HOUSE BILL NO. 2990,
HOUSE BILL NO. 2995,
SECOND SUBSTITUTE SENATE BILL NO. 5949,

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4726, by Representative Morris

WHEREAS, Gertrude "Gertie" Howard was born in Sweden on January 18, 1909, and came to America with her grandmother at the age of ten; and

WHEREAS, Gertie met Bob "Pappy" Howard while picking apples in Eastern Washington and soon became his devoted wife; and

WHEREAS, The Howards built a home on Guemes Island and Gertie and Bob became pillars of the community; and

WHEREAS, Gertie and Bob shared their love of square dance with friends and never missed a Saturday night in Mount Vernon at the Young Old Times Square Dance Club; and

WHEREAS, Gertie was a contributing member of the Women's Club and started a tradition of making denim quilts that continues to this day; and

WHEREAS, A great appreciation of history earned Gertie the title of unofficial historian and inspired her to record the milestones of Guemes Island in her small but important book, "*Guemes Gleanings*"; and

WHEREAS, Gertie was a determined and good-humored woman who made her mark not only with her family and faithful friends, but on the Guemes Island community; and

WHEREAS, Gertie Howard passed away January 20, 2002, and will be missed by all who had the privilege of knowing her;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the life and work of Gertrude Howard and her contributions to the people of Guemes Island; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Women's Club, The Evening Star of Guemes Island, and the Skagit Valley Herald.

House Resolution No. 4726 was adopted.

HOUSE RESOLUTION NO. 2002-4727, by Representative Morris

WHEREAS, The Samish Nation regained its federal recognition from the United States in 1996, and is the descendent entity of the large and powerful Samish Nation which was a signatory to the Treaty of Point Elliot in 1855; and

WHEREAS, The Samish Nation is respected for their spiritual strength and is a strong and committed tribe, continually building their tribal identity, and contributing to the cultural diversity of Washington State; and

WHEREAS, The Samish have been tremendous stewards of the environment and have shared this devotion with the people of Washington State; and

WHEREAS, Orca whales are one of the premier icons of the Pacific Northwest, and represent the vibrancy of marine life in Puget Sound; and

WHEREAS, The population of the three pods which make up the resident Orca population in Puget Sound has dropped from 99 Orca whales in 1995 to 78 in 2002; and

WHEREAS, As an example of their special relationship with the environment, the Samish people have traditionally considered Orca whales as members of the Samish Nation; and

WHEREAS, A male Orca calf born in January 2001 to the resident J-Pod of Puget Sound was officially named at a traditional Samish Nation Potlatch naming ceremony; and

WHEREAS, As part of the naming ceremony, and in an effort to preserve their oral tradition, the Samish Nation honored the Washington State House of Representatives by inviting one of its members to witness the potlatch and spread the word of the naming to other members of the House of Representatives; and

WHEREAS, The calf's name is Hy'Shqa, which means "blessing" or "thank you" in the Coastal Salish language, the language of the Samish Nation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Samish Nation for its continuing efforts to preserve and protect a Washington State treasure, the Orca whale; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Samish Tribal Council.

House Resolution No. 4727 was adopted.

HOUSE RESOLUTION NO. 2002-4728, by Representatives Quall, Morris, Barlean and Sehlin

WHEREAS, Skagit Valley College first opened its doors as Mount Vernon Junior College in Mount Vernon, Washington, on September 7, 1926; and

WHEREAS, Skagit Valley College is the second-oldest community college to operate continuously in the State of Washington; and

WHEREAS, Skagit Valley College has served its community for 75 years, meeting the higher education needs of its constituents; and

WHEREAS, Skagit Valley College opened branch campuses in Oak Harbor in 1970, and in Friday Harbor in 1975, expanding its ability to serve students and communities throughout Northwestern Washington; and

WHEREAS, Skagit Valley College has been recognized nationally as a Learning College Champion by the League for Innovation of Community Colleges; and

WHEREAS, Skagit Valley College has been recognized by Yahoo.com as the eleventh most-wired community college in the nation; and

WHEREAS, Skagit Valley College serves approximately 7,000 students per quarter; and

WHEREAS, Skagit Valley College has a rich history of serving the local community and hosting many international students; and

WHEREAS, Skagit Valley College, by allowing countless working adults to retrain for new careers, has been and continues to be an invaluable resource in helping families adapt and prosper in today's rapidly changing economy;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Skagit Valley College for 75 years of providing outstanding educational opportunities to the citizens of Skagit, Island, and San Juan Counties and Washington State.

House Resolution No. 4728 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., March 1, 2002, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FORTY SIXTH DAY, FEBRUARY 28, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, March 1, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paul Fryer and Rebecca Wylie-Echeverria. Prayer was offered by Reverend Sanford Brown, Executive Director, Deaconess Children's Services, Everett.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4703, by Representatives Alexander, Hunt and Romero

WHEREAS, The Evergreen State College launched its basketball program a mere five years ago; and

WHEREAS, In their first four seasons, the Geoducks with their head coach John Barbee have gone to the playoffs and have fielded three NAIA All-Americans; and

WHEREAS, This season, the team has achieved a record of 21-5, 15-1 in Cascade Conference play in the NAIA Division II; and

WHEREAS, The Evergreen State College men have won a school record 16 consecutive games and are ranked sixth in the nation; and

WHEREAS, The team won first place in the Cascade Conference and earned a first-ever berth to the NAIA Division II championship series in Branson, Missouri; and

WHEREAS, The Geoducks have demonstrated their commitment to education with the six seniors on the team set to graduate this spring, and to community service by their lunchtime visits to local elementary and middle schools to bring the joy of athletics to children; and

WHEREAS, The players, coaches, and trainers have distinguished themselves not just on the court but through their sportsmanship, professionalism, and dedication to the spirit of competition;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commend and congratulate The Evergreen State College Geoducks Men's Basketball Program for its considerable achievements and for providing a most entertaining and spirited activity for the community to enjoy and celebrate; and

BE IT FURTHER RESOLVED, That the House of Representatives wish them every success in the regional finals in February and at the national tournament in March.

Representative Alexander moved the adoption of the resolution.

Representatives Alexander and Hunt spoke in favor of the adoption of the resolution.

House Resolution No. 4703 was adopted.

HOUSE RESOLUTION NO. 2002-4721, by Representatives Dunn, Sullivan, Reardon, Ahern and Mulliken

WHEREAS, The Order of the Knights of Columbus is a Catholic fraternal organization which originated in New Haven, Connecticut, in 1882; and

WHEREAS, The Order of the Knights of Columbus was founded upon the bedrock principles of "Charity" and "Unity" to which it remains true today; and

WHEREAS, The Order of the Knights of Columbus consists of Catholic gentlemen committed to the exemplification of works of compassion, fraternity, and patriotism; and

WHEREAS, The Order of the Knights of Columbus has more than 10,500 fraternal councils active in 13 countries; and

WHEREAS, The Order of the Knights of Columbus now numbers over 1.6 million members worldwide, with over 14,000 members residing in the State of Washington; and

WHEREAS, The Order of the Knights of Columbus is firmly committed to the protection and care of life and to the preservation and defense of the family; and

WHEREAS, The Order of the Knights of Columbus' central mission is striving in charitable works in their communities and churches by giving aid to widows, orphans, the sick, and the poor, and acting for the good of their country and

WHEREAS, The Order of the Knights of Columbus sponsors the charity known as the Special Olympics in which children of all creeds and nationalities who suffer certain handicaps are brought together to compete in sports as they are able to participate and in a free-throw contest open to all in four different age brackets competing for local, regional, and national honors; and

WHEREAS, The Order of the Knights of Columbus gives aid to victims of natural disasters, refurbishes homesteads of widows and handicapped with painting, roofing, and general repair, and collects and distributes food, used clothing, and useable furniture for those in need, such as in the recent flooding of Tillamook County; and

WHEREAS, The Order of the Knights of Columbus has donated nearly \$1 billion to numerous charitable causes and nearly 400 million hours of volunteer service over the past decade; and

WHEREAS, The Order of the Knights of Columbus in 2001 gave charitable contributions of \$35.7 million for Church activities and programs, \$48.5 million for community support, and \$14 million in direct youth support funding within the United States; and

WHEREAS, The Order of the Knights of Columbus has contributed checks in the amount of \$3,000 to 417 widows or survivors of those relief workers killed in the September 11, 2001, attack on the World Trade Center and Pentagon, with such financial support ongoing to those who are still being identified, regardless of whether or not the deceased was affiliated with the Order of the Knights of Columbus; and

WHEREAS, The Order of the Knights of Columbus' volunteer time exceeds 56.7 million man hours in food banks, charitable support groups, as well as community and church functions; and

WHEREAS, The first council of the Order of the Knights of Columbus in Washington was established on June 22, 1902, making this their centennial year in Washington state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the Washington state chapter of the Order of the Knights of Columbus and all its members for the 100 years of extraordinary contributions they have made in financial support and charitable works to the church, our communities, and our state for the care of widows, orphans, the sick, and the poor; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Wayne Hogan, State Deputy, Washington State Council, Order of the Knights of Columbus.

Representative Dunn moved the adoption of the resolution.

Representatives Dunn, Ahern and Reardon spoke in favor of the adoption of the resolution.

House Resolution No. 4721 was adopted.

MESSAGES FROM THE SENATE

February 27, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

ENGROSSED SENATE BILL NO. 6564,

Tony M. Cook, Secretary

February 27, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 6749,

Tony M. Cook, Secretary

February 27, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 6251,

Tony M. Cook, Secretary

February 27, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 6793,

Tony M. Cook, Secretary

February 27, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

SENATE BILL NO. 6252,

Tony M. Cook, Secretary

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

March 1, 2002

Mr. Speaker:

The Senate has passed:

and the same is herewith transmitted.

HOUSE BILL NO. 2728,

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 2782,

SECOND READING

**SECOND SUBSTITUTE SENATE BILL NO. 5949, by Senate Committee on
Transportation (originally sponsored by Senators Haugen and Swecker)**

Erecting and maintaining motorist information sign panels.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was before the House for purpose of amendments. (For committee amendment, see Journal, 46th Day, February 28, 2002, 2002.)

Representative Mitchell moved the adoption of amendment (361) to the committee amendment:

On page 1 line 22 of the striking amendment after "department" insert:
"must let the contract to the highest bidder and"

Representatives Mitchell and Fisher spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Mitchell moved the adoption of amendment (360) to the committee amendment:

On page 1, beginning with "comply" on line 26 of the striking amendment strike all material through "administration" on line 27 and insert:
"maximize revenue from the contracting out of this program"

Representatives Mitchell and Fisher spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5949, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5949, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 3, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representatives Cox, Mielke, and Schoesler - 3.

Second Substitute Senate Bill No. 5949, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2990, by Representatives Schindler, Holmquist, Mielke, Ericksen, Mitchell, Morell, Pflug, Mulliken, Boldt, Woods and Kessler

Continuing transportation efficiencies.

The bill was read the second time. There being no objection, Substitute House Bill No. 2990 was substituted for House Bill No. 2990 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2990 was read the second time.

With the consent of the House, amendment (369) was withdrawn.

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

Representatives Schindler, Cooper and Ericksen spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2990.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2990 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute House Bill No. 2990, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2995, by Representative Fisher

Allowing vehicle dealers to charge documentary service fees.

The bill was read the second time. There being no objection, Substitute House Bill No. 2995 was substituted for House Bill No. 2995 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2995 was read the second time.

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

Representatives Fisher and Cooper spoke in favor of passage of the bill.

Representatives Mitchell and DeBolt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2995.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2995 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Berkey, Casada, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, and Van Luven - 42.

Substitute House Bill No. 2995, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6494,
SUBSTITUTE SENATE BILL NO. 6814,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

HOUSE BILL NO. 2969, by Representative Fisher

Addressing transportation improvement and financing.

The bill was read the second time. There being no objection, Substitute House Bill No. 2969 was substituted for House Bill No. 2969 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2969 was read the second time.

Representative Jarrett moved the adoption of amendment (359):

On page 1, beginning on line 12, strike all material through page 5, line 22 and insert:

NEW SECTION. Sec. 101. It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, an independent transportation accountability process must be established to provide oversight on these transportation

projects. This process will provide reports back to the public on how their tax dollars are spent on major projects funded by new transportation taxes.

NEW SECTION. Sec. 102. (1) A transportation audit committee shall be appointed by the chairs of the joint legislative audit and review committee and the legislative transportation committee.

(2) The committee shall consist of eight members, with four members of and appointed by the chair of the joint legislative audit and review committee, and four members of and appointed by the chair of the legislative transportation. Of the four members appointed from each committee, a member of each house and of each of the major political parties must be represented. Serving on the committee shall be considered as being engaged in the business of each of the respective committees from which they are named.

(3) The members of the committee shall elect a chair and vice-chair and shall adopt rules for operation of the committee, including recorded resolutions or motions adopted by the committee.

NEW SECTION. Sec. 103. (1) Staff support to the transportation audit committee must be provided by the joint legislative audit and review committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the committee, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support.

(2) The committee may also retain other organizations as provided for in section 108 of this chapter in the performance of its duties.

NEW SECTION. Sec. 104. The transportation audit committee shall serve as a single, independent point of accountability for reporting, analyzing, and monitoring the department's performance in delivering improvement projects and programs costing in excess of fifty million dollars funded with new revenues under this act. The department of transportation and the transportation commission must work cooperatively with the committee to carry out the purposes of this chapter. The committee has the following responsibilities:

(1) Direct the department of transportation to submit a quarterly audit report as required under section 105 of this act;

(2) Develop and issue requests for proposals by contracting organizations for quarterly audit report reviews and audit review letters pursuant to section 108 of this act.

(3) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 107 of this act;

(4) When necessary, make policy recommendations for improving efficiencies, savings or improvements in the department's project management, accountability measures, or project delivery mechanisms;

(5) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures.

NEW SECTION. Sec. 105. The department of transportation shall prepare and submit to the audit review contractor as provided for in section 108 of this act, once each quarter, a comprehensive audit report on each transportation project costing in excess of fifty million dollars funded by this act. At a minimum, the audit report must include the following elements:

- (1) Project status and any scope changes;
- (2) Estimated completion date and cost, noting any changes from past estimates;
- (3) Actual project expenditures as compared with projected expenditures;
- (4) Any changes in financing for each project;
- (5) Claim or change orders that result in greater than a five percent cumulative increase in project cost, or greater than sixty days of delay;
- (6) Status of any required permits;
- (7) Mitigation efforts to relieve both traffic and environmental impacts;
- (8) Evaluation of work force effectiveness, including both state employees and contractors;
- (9) Outlook for the upcoming year, including projected accomplishments and challenges;
- (10) Copies of any accountability reports filed with the federal highway administration;
- (11) Any other useful information the committee requests.

NEW SECTION. Sec. 106. The audit review contractor must review the proposed audit report submitted by the department. After reviewing the information contained therein, the contractor may request additional information or data, or ask for clarifications. The contractor is prohibited from changing any of the data contained in the audit report.

NEW SECTION. Sec. 107. (1) Upon completion of its review under section 106 of this act, the audit review contractor shall forward the quarterly audit report to the transportation audit committee. The committee will accept or reject the audit report.

(a) In determining whether to accept or reject the audit report, the committee:

(i) Will analyze, investigate, and evaluate the data contained in the quarterly audit report;

(ii) Will receive staff support for this evaluation from the joint legislative audit and review committee; and

(iii) May request additional information or data from the department of transportation or the contractor.

(b) As part of the evaluation process, the committee may make recommendations to the department and the transportation commission for efficiencies, savings, or improvements in the department's project management, accountability measures or project delivery mechanisms. The chairman will work with the department and the transportation commission on behalf of the committee to implement changes recommended by the committee.

(2) Upon final acceptance, the committee must forward the audit report to the transportation standing committees of the house of representatives and senate, and to the office of financial management, along with any recommendations of the committee.

(3) The committee must publish and make the audit report available to the public in both print and electronic media.

NEW SECTION. Sec. 118. (1) The committee shall develop and issue requests for proposals from qualified contracting organizations for quarterly audit report reviews and audit review letters. To meet minimum qualifications, a contractor must have experience and expertise relating to major civil engineering and construction works and facilities to include: (a) Design, estimating, contract packaging, and procurement; (b) construction means and methods and construction management and administration; (c) project finance, accounting, controls, and reporting; (d) procedures for obtaining permits and for assuring regulatory compliance; (e) dispute resolution; (f) construction work force training and safety; (g) general public administration; and (h) experience crafting and implementing environmental mitigation plans.

(2) The committee shall select and contract with, with the joint legislative audit and review committee as the contracting agent, a qualified contractor to conduct the quarterly audit report reviews.

(3) Periodically update and reissue the request for proposals for quarterly audit report reviews.

NEW SECTION. Sec. 109. A new section is added to chapter 43.131 RCW to read as follows:

The quarterly audit reporting process, including the contracting out of audit report reviews, shall be reviewed under this chapter before June 30, 2007. The transportation commission and the department transportation shall provide the information necessary for the joint legislative audit and review committee to provide the required review.

NEW SECTION. Sec. 110. Sections 101 through 108 of this act constitute a new chapter in Title 47 RCW.

Representatives Jarrett, Anderson, Mitchell and Hankins spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mitchell moved the adoption of amendment (362):

On page 12 line 9 after "RCW 46.68.110" insert:
"but only if the local government does not impose transportation impact fees under chapter 82.02, 36.70A, or 43.21C RCW. If the local government imposes transportation impact fees under any of those chapters, the distribution under this subsection (3)(c) will be directed to the motor vehicle fund"

On page 12 line 11 after "RCW 46.68.120" insert:
"but only if the local government does not impose transportation impact fees under chapter 82.02, 36.70A, or 43.21C RCW. If the local government imposes transportation impact fees under any of those chapters, the distribution under this subsection (3)(d) will be directed to the motor vehicle fund"

Representatives Mitchell, Schindler and Holmquist spoke in favor of the adoption of the amendment.

Representatives Cooper and Fisher spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (362) to Substitute House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the adoption of amendment (362) to Substitute House Bill No. 2969, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Fisher moved the adoption of amendment (367):

On page 16, line 10, strike "There is hereby created the freight mobility strategic investment account of the motor vehicle" and insert "The freight mobility strategic investment account of the motor vehicle fund is hereby created in the state treasury "

On page 16, beginning on line 19, strike all of subsection (3)

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Skinner moved the adoption of amendment (364):

On page 21, beginning on line 29 strike all material through "RCW 47.66.070." on page 23
line 8

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 30 after "201" strike ", 202, and 401" and insert: "and 202"

Representatives Skinner, Ericksen, Armstrong and Mitchell spoke in favor of the adoption of the amendment.

Representatives Murray, Dunshee and Cooper spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (364) to Substitute House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the adoption of amendment (364) to Substitute House Bill No. 2969, and the amendment was not adopted by the following vote: Yeas - 48, Nays - 50, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Representative Ericksen moved the adoption of amendment (365):

On page 25 beginning on line 14 strike all material through page 28 line 26 after "committee."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 28 line 27 after "through" strike "512" and insert "506"

Representatives Ericksen, DeBolt and Armstrong spoke in favor of the adoption of the amendment.

Representatives Rockefeller and Reardon spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (358) was withdrawn.

Representative Woods moved the adoption of amendment (366):

On page 28, line 31, after "act", insert the following:
"except for sections 310, 311, and 312,"

On page 29, line 1, after "act,", insert the following:
"excluding sections 310, 311, 312,"

On page 30, after line 2, insert the following:
"NEW SECTION. Sec. 603. If SHB 2969 is not ratified by the voters by June 20, 2002, sections 310, 311, and 312 of this act are null and void."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Woods and Cooper spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Fisher moved the adoption of amendment (368):

On page 30, line 3, after "202," insert the following:
"310, 311, 312,"

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Van Luven moved the adoption of amendment (370):

On page 30, after line 2, insert the following:

"**Sec. 603** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read as follows:

The state department of transportation and the local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying no fewer than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Except that highway projects funded in whole or in part by revenue generated under this act may not include high occupancy vehicle lanes unless those lanes are open to all traffic from eight p.m. through six a.m. on weekdays and all day Saturday and Sunday. Violation of a restriction of highway usage prescribed by the appropriate authority under this section is a traffic infraction.

Sec. 604. RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to read as follows:

Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all times or at specified times of day or on specified days. Except that highway projects funded in whole or in part by revenue generated under this act may not include high occupancy vehicle lanes unless those lanes are open to all traffic from eight p.m. through six a.m. on weekdays and all day Saturday and Sunday. "

Renumber remaining sections.

Representative Van Luven spoke in favor of the adoption of the amendment.

Representative Cooper spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (370) to Substitute House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the adoption of amendment (370) to Substitute House Bill No. 2969, and the amendment was not adopted by the following vote: Yeas - 47, Nays - 51, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 47.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 51.

Representative Mitchell moved the adoption of amendment (363):

Beginning on page 1, line 11, strike the entire amendment and insert the following:

"PART I - COMBINED LICENSING FEE

Sec. 101. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof))~~ pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

~~((DECLARED GROSS WEIGHT SCHEDULE A SCHEDULE B~~

4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00
26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00

~~34,000 lbs. \$ 323.00 \$ 323.00~~
~~36,000 lbs. \$ 350.00 \$ 350.00~~
~~38,000 lbs. \$ 384.00 \$ 384.00~~
~~40,000 lbs. \$ 439.00 \$ 439.00~~
~~42,000 lbs. \$ 456.00 \$ 546.00~~
~~44,000 lbs. \$ 466.00 \$ 556.00~~
~~46,000 lbs. \$ 501.00 \$ 591.00~~
~~48,000 lbs. \$ 522.00 \$ 612.00~~
~~50,000 lbs. \$ 566.00 \$ 656.00~~
~~52,000 lbs. \$ 595.00 \$ 685.00~~
~~54,000 lbs. \$ 642.00 \$ 732.00~~
~~56,000 lbs. \$ 677.00 \$ 767.00~~
~~58,000 lbs. \$ 704.00 \$ 794.00~~
~~60,000 lbs. \$ 750.00 \$ 840.00~~
~~62,000 lbs. \$ 804.00 \$ 894.00~~
~~64,000 lbs. \$ 822.00 \$ 912.00~~
~~66,000 lbs. \$ 915.00 \$ 1,005.00~~
~~68,000 lbs. \$ 954.00 \$ 1,044.00~~
~~70,000 lbs. \$ 1,027.00 \$ 1,117.00~~
~~72,000 lbs. \$ 1,098.00 \$ 1,188.00~~
~~74,000 lbs. \$ 1,193.00 \$ 1,283.00~~
~~76,000 lbs. \$ 1,289.00 \$ 1,379.00~~
~~78,000 lbs. \$ 1,407.00 \$ 1,497.00~~
~~80,000 lbs. \$ 1,518.00 \$ 1,608.00~~
~~82,000 lbs. \$ 1,623.00 \$ 1,713.00~~
~~84,000 lbs. \$ 1,728.00 \$ 1,818.00~~
~~86,000 lbs. \$ 1,833.00 \$ 1,923.00~~
~~88,000 lbs. \$ 1,938.00 \$ 2,028.00~~
~~90,000 lbs. \$ 2,043.00 \$ 2,133.00~~
~~92,000 lbs. \$ 2,148.00 \$ 2,238.00~~
~~94,000 lbs. \$ 2,253.00 \$ 2,343.00~~
~~96,000 lbs. \$ 2,358.00 \$ 2,448.00~~
~~98,000 lbs. \$ 2,463.00 \$ 2,553.00~~
~~100,000 lbs. \$ 2,568.00 \$ 2,658.00~~
~~102,000 lbs. \$ 2,673.00 \$ 2,763.00~~
~~104,000 lbs. \$ 2,778.00 \$ 2,868.00~~
~~105,500 lbs. \$ 2,883.00 \$ 2,973.00))~~

Effective

Gross October 1, 2002, Effective
Weight through September 30, 2003 October 1, 2003

Schedule A Schedule B Schedule A Schedule B

4,000 \$37 \$37 \$37 \$37
6,000 44 44 44 44
8,000 55 55 55 55
10,000 62 62 62 62
12,000 77 77 81 81
14,000 88 88 93 93
16,000 99 99 105 105
18,000 148 148 159 159
20,000 165 165 177 177
22,000 178 178 192 192
24,000 192 192 207 207

<u>26,000</u>	<u>203</u>	<u>203</u>	<u>219</u>	<u>219</u>
<u>28,000</u>	<u>239</u>	<u>239</u>	<u>259</u>	<u>259</u>
<u>30,000</u>	<u>276</u>	<u>276</u>	<u>298</u>	<u>298</u>
<u>32,000</u>	<u>332</u>	<u>332</u>	<u>360</u>	<u>360</u>
<u>34,000</u>	<u>353</u>	<u>353</u>	<u>382</u>	<u>382</u>
<u>36,000</u>	<u>382</u>	<u>382</u>	<u>415</u>	<u>415</u>
<u>38,000</u>	<u>420</u>	<u>420</u>	<u>456</u>	<u>456</u>
<u>40,000</u>	<u>480</u>	<u>480</u>	<u>522</u>	<u>522</u>
<u>42,000</u>	<u>499</u>	<u>589</u>	<u>542</u>	<u>632</u>
<u>44,000</u>	<u>510</u>	<u>600</u>	<u>554</u>	<u>644</u>
<u>46,000</u>	<u>549</u>	<u>639</u>	<u>596</u>	<u>686</u>
<u>48,000</u>	<u>572</u>	<u>662</u>	<u>621</u>	<u>711</u>
<u>50,000</u>	<u>620</u>	<u>710</u>	<u>674</u>	<u>764</u>
<u>52,000</u>	<u>652</u>	<u>742</u>	<u>709</u>	<u>799</u>
<u>54,000</u>	<u>704</u>	<u>794</u>	<u>765</u>	<u>855</u>
<u>56,000</u>	<u>742</u>	<u>832</u>	<u>807</u>	<u>897</u>
<u>58,000</u>	<u>772</u>	<u>862</u>	<u>840</u>	<u>930</u>
<u>60,000</u>	<u>822</u>	<u>912</u>	<u>895</u>	<u>985</u>
<u>62,000</u>	<u>882</u>	<u>972</u>	<u>960</u>	<u>1,050</u>
<u>64,000</u>	<u>902</u>	<u>992</u>	<u>981</u>	<u>1,071</u>
<u>66,000</u>	<u>1,004</u>	<u>1,094</u>	<u>1,093</u>	<u>1,183</u>
<u>68,000</u>	<u>1,047</u>	<u>1,137</u>	<u>1,140</u>	<u>1,230</u>
<u>70,000</u>	<u>1,127</u>	<u>1,217</u>	<u>1,227</u>	<u>1,317</u>
<u>72,000</u>	<u>1,205</u>	<u>1,295</u>	<u>1,312</u>	<u>1,402</u>
<u>74,000</u>	<u>1,310</u>	<u>1,400</u>	<u>1,426</u>	<u>1,516</u>
<u>76,000</u>	<u>1,415</u>	<u>1,505</u>	<u>1,542</u>	<u>1,632</u>
<u>78,000</u>	<u>1,545</u>	<u>1,635</u>	<u>1,683</u>	<u>1,773</u>
<u>80,000</u>	<u>1,667</u>	<u>1,757</u>	<u>1,816</u>	<u>1,906</u>
<u>82,000</u>	<u>1,783</u>	<u>1,873</u>	<u>1,942</u>	<u>2,032</u>
<u>84,000</u>	<u>1,898</u>	<u>1,988</u>	<u>2,068</u>	<u>2,158</u>
<u>86,000</u>	<u>2,014</u>	<u>2,104</u>	<u>2,194</u>	<u>2,284</u>
<u>88,000</u>	<u>2,129</u>	<u>2,219</u>	<u>2,320</u>	<u>2,410</u>
<u>90,000</u>	<u>2,245</u>	<u>2,335</u>	<u>2,446</u>	<u>2,536</u>
<u>92,000</u>	<u>2,360</u>	<u>2,450</u>	<u>2,572</u>	<u>2,662</u>
<u>94,000</u>	<u>2,476</u>	<u>2,566</u>	<u>2,698</u>	<u>2,788</u>
<u>96,000</u>	<u>2,591</u>	<u>2,681</u>	<u>2,824</u>	<u>2,914</u>
<u>98,000</u>	<u>2,707</u>	<u>2,797</u>	<u>2,950</u>	<u>3,040</u>
<u>100,000</u>	<u>2,822</u>	<u>2,912</u>	<u>3,076</u>	<u>3,166</u>
<u>102,000</u>	<u>2,938</u>	<u>3,028</u>	<u>3,202</u>	<u>3,292</u>
<u>104,000</u>	<u>3,053</u>	<u>3,143</u>	<u>3,328</u>	<u>3,418</u>
<u>105,500</u>	<u>3,169</u>	<u>3,259</u>	<u>3,454</u>	<u>3,544</u>

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (4) The proceeds from the fees collected under ~~((subsection (1) of))~~ this section shall be distributed in accordance with RCW 46.68.035.

Sec. 102. RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder shall be distributed as follows:

(a) 23.677 percent of the proceeds collected on the rate in effect September 30, 2002, shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent of the proceeds collected on the rate in effect September 30, 2002, shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; ~~((and))~~

(c) ~~((The remaining))~~ 74.802 percent of the proceeds collected on the rate in effect on September 30, 2002, shall be deposited into the motor vehicle fund; and

(d) The remaining proceeds collected on the difference between the current rate and the rate in effect on September 30, 2002, shall be deposited in the freight mobility strategic investment account.

PART II - FUEL TAX

Sec. 201. RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~((shall apply))~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning October 1, 2002, an additional and cumulative motor vehicle fuel tax rate of four cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning April 1, 2003, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

Sec. 202. RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (i) of this))~~ accordance with subsections (2) through (4) of this section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((c))~~ (2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) must be distributed in the proportions set forth in (a) through (j) of this subsection.

(a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state, as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;
(ii) Fatal accident experience;
(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) All the remaining net tax amount collected under the additional tax rates levied under RCW 82.36.025 (2) and (3) and 82.38.030 (2) and (3) must be distributed to the motor vehicle fund.

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

NEW SECTION. Sec. 203. A new section is added to chapter 46.68 RCW to read as follows:

There is hereby created the freight mobility strategic investment account. All money deposited in the account shall be used by the department of transportation for:

(1) Improving the freight transportation highway system by constructing projects selected by the freight mobility strategic investment board.

(2) The department may pledge any money in the freight mobility strategic investment account for debt service on bonds issued to finance projects authorized under subsection (1) of this section.

(3) Money in the freight mobility strategic investment account of the motor vehicle fund that is not required by the department for payment of principal or interest on bond issues or for any of the other purposes authorized in this section may be invested by the treasurer in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

Sec. 204. RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~((computed in the manner provided in RCW 82.36.025 on each))~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning October 1, 2002, an additional and cumulative special fuel tax rate of four cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature is imposed on special fuel users.

(3) February 27, 2002, Beginning April 1, 2003, an additional and cumulative special fuel tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature is imposed on special fuel users.

(5) The tax ~~((imposed by subsection (1) of this section))~~ is imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (6) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 205. RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

- (1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~((2))~~) (5)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.
- (2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~((2))~~) (5)(b).
- (3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~((2))~~) (5)(c).
- (4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~((2))~~) (5)(e).
- (5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(~~((2))~~) (5)(f).

Sec. 206. RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((1))~~) if, at the time of removal:

- (1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;
- (2) The terminal operator is not a licensee;
- (3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or
- (4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 207. RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((1))~~) if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

Sec. 208. RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW)	FEE
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate ~~((in cents per gallon))~~ as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

Sec. 209. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance

account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the freight mobility strategic investment account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

PART III - SALES TAX ON MOTOR VEHICLES

Sec. 301. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price. A portion of the tax collected under this subsection (1) on each retail sale of a motor vehicle, as defined in RCW 46.04.320, must be deposited in the multimodal transportation account created in RCW 47.66.070. The amounts deposited in the multimodal transportation account will be:

- (a) Effective July 1, 2005, through June 30, 2006, one-tenth of one percent of the selling price;
- (b) Effective July 1, 2006, through June 30, 2007, two-tenths of one percent of the selling price;
- (c) Effective July 1, 2007, through June 30, 2008, three-tenths of one percent of the selling price;
- (d) Effective July 1, 2008, through June 30, 2009, four-tenths of one percent of the selling price;
- (e) Effective July 1, 2009, and thereafter, five-tenths of one percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

(4) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 302. RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

(5) A portion of the use tax revenue collected on the rate provided in RCW 82.08.020(1) (a) through (e) will be deposited in the multimodal transportation account under RCW 47.66.070.

NEW SECTION. Sec. 303. A new section is added to chapter 82.32 RCW to read as follows:

(1) The tax imposed and collected under chapters 82.08 and 82.12 RCW on highway projects qualifying under this subsection (1), less any credits allowed under chapter 82.14 RCW, must be transferred to the multimodal transportation account under RCW 47.66.070. A highway project qualifies under this section if it is constructed in whole or in part with funds:

(a) Collected under RCW 82.36.025 (2) or (3); or

(b) Obtained through the sale of bonds authorized by this act.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) The department of transportation shall report the amount of sales or use tax eligible for transfer under this section to the department of revenue. PART IV - BOND AUTHORIZATION

NEW SECTION. Sec. 401. In order to provide funds necessary for the location, design, right of way, and construction of selected state and local highway improvements, there shall be issued and sold upon the request of the transportation commission a total of three billion five hundred million dollars of general obligation bonds of the state of Washington.

NEW SECTION. Sec. 402. Upon the request of the transportation commission, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 46.68.090 in accordance with chapter 39.42 RCW. Bonds authorized by section 401 of this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. **Sec. 403.** The proceeds from the sale of bonds authorized by section 401 of this act shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in section 401 of this act, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. **Sec. 404.** Bonds issued under the authority of section 401 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of these excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of RCW 47.10.843 through 47.10.848, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of section 401 of this act.

NEW SECTION. **Sec. 405.** Both principal and interest on the bonds issued for the purposes of section 401 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by section 401 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and that is, or may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

NEW SECTION. **Sec. 406.** Bonds issued under the authority of section 401 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

NEW SECTION. **Sec. 407.** Sections 401 through 406 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 501. (1) The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at a special election to be held in this state on or before June 20, 2002, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation. The special election shall be limited to submission of this act to the people.

(2) If the people ratify this act, revenues generated shall be spent as detailed in House Bill No., the 2001-03 state supplemental transportation budget. The primary emphasis of revenues raised shall be improving transportation safety, reducing congestion, and improving the movement of freight and goods. The legislature recognizes that the projects detailed in House Bill No. are based on assumptions that are beyond the legislature's control, such as availability of federal funds, interest rates, required public approval for certain projects, etc., and furthermore, that current laws authorize the state transportation commission to make necessary adjustments to the proposed projects as unforeseen circumstances may require. If additional funding for the projects contained in House Bill No. becomes available, the legislature urges the acceleration of project construction wherever possible.

(3) The attorney general shall prepare the explanatory statement required by RCW 29.81.250 and transmit that statement regarding the referendum to the secretary of state no later than the last Monday of April before the special election.

(4) The secretary of state shall prepare and distribute a voters' pamphlet addressing this referendum measure following the procedures and requirements of chapter 29.81 RCW, except that the secretary of state may establish different deadlines for the appointment of committees to draft arguments for and against the referendum, for submitting arguments for and against the referendum, and for submitting rebuttal statements of arguments for and against the referendum.

(5) A county auditor may conduct the voting at this special election in all precincts of the county by mail using the procedures set forth in chapter 29.36 RCW.

(6) Notwithstanding the provisions of RCW 29.62.020, the county canvassing board in each county shall canvass and certify the votes cast at this special election in that county to the secretary of state no later than the seventh day following the election. Notwithstanding the provisions of RCW 29.62.120, the secretary of state shall canvass and certify the returns from the counties no later than the ninth day following the special election.

(7) The secretary of state shall reimburse each county for the cost of conducting the special election in that county in the same manner as state primary and general election costs are reimbursed under RCW 29.13.047 (1) and (3).

NEW SECTION. Sec. 502. If ratified by the people under section 501 of this act, sections 101 and 102 of this act take effect October 1, 2002.

NEW SECTION. Sec. 503. Section 501 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Mitchell, Woods, Delvin, Ericksen, Sehlin, Armstrong, DeBolt, Mastin, Van Luven, Clements and Orcutt spoke in favor of the adoption of the amendment.

Representatives Cooper, Schual-Berke, Morris and Fisher spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (363) to Substitute House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the adoption of amendment (363) to Substitute House Bill No. 2969, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 56, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Nixon, Orcutt, Pearson, Pflug, Roach, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 42.

Voting nay: Representatives Alexander, Berkey, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 56.

The bill was ordered engrossed.

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

Representatives Fisher, Lovick, Ogden, Murray, Romero, Rockefeller, McDermott, Conway, McIntire, Kessler, Reardon, Cooper and Fisher spoke in favor of passage of the bill.

Representatives Mitchell, Pflug, Clements, Mulliken, Cox, Armstrong, Orcutt, Mastin, Mielke, Schindler, Sump, Pflug, Bush and Ahern spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2969 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Campbell, Carrell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, and Woods - 44.

Engrossed Substitute House Bill No. 2969, having received the necessary constitutional majority, was declared passed.

INTRODUCTION & FIRST READING

HB 2996 by Representatives Clements, Mielke and Mulliken

AN ACT Relating to prohibiting strikes and lockouts under chapter 41.59 RCW; amending RCW 41.59.020; adding a new section to chapter 41.59 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2997 by Representatives Chandler, Mielke and Mulliken

AN ACT Relating to prohibiting strikes and lockouts under chapter 41.06 RCW; amending RCW 41.06.150 and 41.06.020; adding a new section to chapter 41.06 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2998 by Representatives Rockefeller, Woods, Jackley, Mielke and Lysen

AN ACT Relating to authorizing temporary permits for passenger-only vessels; amending RCW 81.84.070; reenacting and amending RCW 42.17.310; and adding a new section to chapter 81.84 RCW.

Referred to Committee on Transportation.

HB 2999 by Representatives Edwards, Clements, Gombosky and O'Brien

AN ACT Relating to clarifying that use tax is due on direct mail advertising pieces printed out-of-state and mailed directly to Washington residents to promote the sale of goods or services by Washington residents; amending RCW 82.12.010; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 3000 by Representatives O'Brien, Ballasiotes, Lovick, Darneille, Morell, Carrell, Mielke, Woods, Skinner, Kirby and Mulliken

AN ACT Relating to providing hotel accommodations to level III sex offenders; and adding a new section to chapter 19.48 RCW.

Referred to Committee on Criminal Justice & Corrections.

HB 3001 by Representatives Linville, Chandler and Skinner

AN ACT Relating to the water conservation account; adding a new section to chapter 43.155 RCW; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3002 by Representatives Cody and Sommers

AN ACT Relating to the treatment of income and resources for institutionalized persons receiving medical assistance; amending RCW 74.09.575; providing an effective date; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3003 by Representative McIntire

AN ACT Relating to revenue.

Referred to Committee on Finance.

HB 3004 by Representative McIntire

AN ACT Relating to state revenue.

Referred to Committee on Finance.

HB 3005 by Representative Gombosky

AN ACT Relating to revenue.

Referred to Committee on Finance.

HB 3006 by Representatives Gombosky and McIntire

AN ACT Relating to state revenue.

Referred to Committee on Finance.

HB 3007 by Representatives Gombosky and McIntire

AN ACT Relating to fiscal matters.

Referred to Committee on Finance.

HB 3008 by Representatives McIntire and Gombosky

AN ACT Relating to fiscal matters.

Referred to Committee on Finance.

HB 3009 by Representatives Sommers, Fromhold, Doumit and Kessler

AN ACT Relating to social service programs; and amending RCW 74.04.005.

Referred to Committee on Appropriations.

HB 3010 by Representatives Fromhold, McIntire, Conway, Cooper, Hunt and Sullivan

AN ACT Relating to creating the select committee on pension policy; amending RCW 41.40.037, 41.45.100, 41.54.061, 44.04.260, and 44.44.030; reenacting and amending RCW 41.32.570; adding new sections to chapter 41.04 RCW; and repealing RCW 44.44.015, 44.44.050, and 44.44.060.

Referred to Committee on Appropriations.

HB 3011 by Representatives Fromhold, McIntire and Sommers

AN ACT Relating to local effort assistance; amending RCW 28A.500.030; creating new sections; and providing an expiration date.

Referred to Committee on Appropriations.

HB 3012 by Representatives Pflug, Buck, DeBolt, Cairnes, Woods, Anderson, Mitchell, Sehlin, Ericksen, Campbell, Chandler and Nixon

AN ACT Relating to ensuring truth in lobbying; adding new sections to chapter 42.17 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on State Government.

HB 3013 by Representative Sommers

AN ACT Relating to general government.

Referred to Committee on Appropriations.

HB 3014 by Representative Sommers

AN ACT Relating to human services.

Referred to Committee on Appropriations.

HB 3015 by Representative Sommers

AN ACT Relating to health care.

Referred to Committee on Appropriations.

HB 3016 by Representative Sommers

AN ACT Relating to natural resources.

Referred to Committee on Appropriations.

HB 3017 by Representative Sommers

AN ACT Relating to education

Referred to Committee on Appropriations.

HB 3018 by Representative Sommers

AN ACT Relating to higher education.

Referred to Committee on Appropriations.

HB 3019 by Representatives Sommers and Doumit

AN ACT Relating to securitization of tobacco settlement revenues.

Referred to Committee on Appropriations.

HB 3020 by Representatives Sommers and Doumit

AN ACT Relating to fiscal matters.

Referred to Committee on Appropriations.

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

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

Referred to Committee on Appropriations.

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

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

Referred to Committee on State Government.

ESB 6564 by Senators Hale, Rasmussen, Hewitt, Haugen, Oke, T. Sheldon, Honeyford, Morton, Sheahan, Zarelli, Deccio, Rossi, Horn, Benton, Hochstatter, Swecker, McCaslin, West and Parlette

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

Referred to Committee on Appropriations.

SB 6749 by Senators West, Hale, Honeyford, Johnson, Hewitt, Zarelli, Gardner, Sheahan, Rasmussen, Prentice, Winsley, Fairley, Shin, Kastama, Swecker, Snyder and Rossi

AN ACT Relating to the burden of proof in actions asserting invalidity of agency rules; and amending RCW 34.05.570.

Referred to Committee on Appropriations.

SB 6793 by Senators T. Sheldon and Oke

AN ACT Relating to water right place of use and purpose of use for expanding public water systems; and amending RCW 90.03.386.

Referred to Committee on Agriculture & Ecology.

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

REPORTS OF STANDING COMMITTEES

March 1, 2002

SSB 5292 Prime Sponsor, Senate Committee on Environment, Energy & Water: Modifying definitions of public energy projects. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 80.52.030 and 1995 c 69 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Public agency" means a public utility district, joint operating agency, city, county, or any other state governmental agency, entity, or political subdivision.

(2) "Major public energy project" means a plant or installation capable, or intended to be capable, of generating electricity in an amount greater than ~~((two))~~ four hundred ~~((fifty))~~ megawatts, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure. Where two or more such plants are located within the same geographic site, each plant shall be considered a major public energy project. An addition to an existing facility is not deemed to be a major energy project unless the addition itself is capable, or intended to be capable, of generating electricity in an amount greater than ~~((two))~~ four hundred ~~((fifty))~~ megawatts. A project which is under construction on July 1, 1982, shall not be considered a major public energy project unless the official agency budget or estimate for total construction costs for the project as of July 1, 1982, is more than two hundred percent of the first official estimate of total construction costs as specified in the senate energy and utilities committee WPPSS inquiry report, volume one, January 12, 1981, and unless, as of July 1, 1982, the projected remaining cost of construction for that project exceeds two hundred million dollars.

(3) "Cost of construction" means the total cost of planning and building a major public energy project and placing it into operation, including, but not limited to, planning cost, direct construction cost, licensing cost, cost of fuel inventory for the first year's operation, interest, and all other costs incurred prior to the first day of full operation, whether or not incurred prior to July 1, 1982.

(4) "Cost of acquisition" means the total cost of acquiring a major public energy project from another party, including, but not limited to, principal and interest costs.

(5) "Bond" means a revenue bond, a general obligation bond, or any other indebtedness issued by a public agency or its assignee.

(6) "Applicant" means a public agency, or the assignee of a public agency, requesting the secretary of state to conduct an election pursuant to this chapter.

(7) "Cost-effective" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the electric power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(8) "System cost" means an estimate of all direct costs of a project or resource over its effective life, including, if applicable, the costs of distribution to the consumer, and, among other factors, waste disposal costs, end-of-cycle costs, and fuel costs (including projected increases), and such quantifiable environmental costs and benefits as are directly attributable to the project or resource."

Correct the title.

Signed by Representatives Morris, Chairman; Crouse, Ranking Minority Member; Berkey; Bush; DeBolt; Delvin; Hunt; Linville; Lysen; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ruderman, Vice Chairman; Anderson; Casada; Esser; Nixon; Pflug; Reardon and Romero.

Voting Yea: Representatives Morris, Crouse, Berkey, Bush, Delvin, Hunt, Linville, Lysen, Sullivan and Wood.

Voting Nay: Representatives Ruderman, Anderson, Casada, Esser, Nixon, Pflug and Romero.

Excused: Representatives DeBolt and Reardon.

Passed to Committee on Rules for second reading.

March 1, 2002

ESB 5626 Prime Sponsor, Senator Rasmussen: Modifying the definition of veteran. Reported by
Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 3, line 30, after "whose" insert "branch of"

On page 3, line 31, after "license" strike "meets" and insert "is included in"

On page 4, line 14, after "defined in" strike all material through "act" on line 15 and insert
"RCW 41.04.005"

On page 4, line 14, after "act" strike "or is" and insert "~~(or is)~~ and is not"

On page 4, line 35, strike entire Sec. 5 and insert the following:

"Sec. 5. RCW 72.36.035 and 2001 2nd sp.s. c 4 s 2 are each amended to read as follows:

For purposes of this chapter, unless the context clearly indicates otherwise:

(1) "Actual bona fide residents of this state" means persons who have a domicile in the state of Washington immediately prior to application for admission to a state veterans' home.

(2) "Department" means the Washington state department of veterans affairs.

(3) "Domicile" means a person's true, fixed, and permanent home and place of habitation, and shall be the place where the person intends to remain, and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.

(4) "State veterans' homes" means the Washington soldiers' home and colony in Orting, the Washington veterans' home in Retsil, and the eastern Washington veterans' home.

(5) "Veteran" has the same meaning established in (~~RCW 41.04.005~~)section 2 of this act."

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking
Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt
and Upthegrove.

Passed to Committee on Rules for second reading.

March 1, 2002

SB 5629 Prime Sponsor, Senator Patterson: Changing the office of financial management's budgeting,
accounting, and reporting requirements for state agencies. Reported by Committee on
State Government

MAJORITY recommendation: Do pass as amended.

On page 10, after line 10, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 39.29 RCW to read as follows:

(1) The office of financial management shall adopt uniform guidelines for the effective and
efficient management of personal service contracts and client service contracts by all state agencies.
The guidelines must, at a minimum, include:

- (a) Accounting methods, systems, measures, and principles to be used by agencies and contractors;
 - (b) Precontract procedures for selecting potential contractors based on their qualifications and ability to perform;
 - (c) Incorporation of performance measures and measurable benchmarks in contracts, and the use of performance audits;
 - (d) Uniform contract terms to ensure contract performance and compliance with state and federal standards;
 - (e) Proper payment and reimbursement methods to ensure that the state receives full value for taxpayer moneys, including cost settlements and cost allowance;
 - (f) Postcontract procedures, including methods for recovering improperly spent or overspent moneys for disallowance and adjustment;
 - (g) Adequate contract remedies and sanctions to ensure compliance;
 - (h) Monitoring, fund tracking, risk assessment, and auditing procedures and requirements;
 - (i) Financial reporting, record retention, and record access procedures and requirements;
 - (j) Procedures and criteria for terminating contracts for cause or otherwise; and
 - (k) Any other subject related to effective and efficient contract management.
- (2) The office of financial management shall submit the guidelines required by subsection (1) of this section to the governor and the appropriate standing committees of the legislature no later than December 1, 2002.
- (3) The office of financial management shall publish a guide book for use by state agencies containing the guidelines required by subsection (1) of this section.

NEW SECTION. Sec. 8. A new section is added to chapter 39.29 RCW to read as follows:

- (1) A state agency entering into or renewing personal service contracts or client service contracts shall follow the guidelines required by section 7 of this act.
- (2) A state agency that has entered into or renewed personal service contracts or client service contracts during a calendar year shall, on or before January 1st of the following calendar year, provide the office of financial management with a report detailing the procedures the agency employed in entering into, renewing, and managing the contracts.
- (3) The provisions of this section apply to state agencies entering into or renewing contracts after January 1, 2003.

NEW SECTION. Sec. 9. A new section is added to chapter 39.29 RCW to read as follows:

- (1) The office of financial management shall provide a training course for agency personnel responsible for executing and managing personal service contracts and client service contracts. The course must contain training on effective and efficient contract management under the guidelines established under section 7 of this act. State agencies shall require agency employees responsible for executing or managing personal service contracts and client service contracts to complete the training course to the satisfaction of the office of financial management. Beginning January 1, 2004, no agency employee may execute or manage personal service contracts or client service contracts unless the employee has completed the training course. Any request for exception to this requirement shall be submitted to the office of financial management in writing and shall be approved by the office of financial management prior to the employee executing or managing the contract.
- (2)(a) The office of financial management shall conduct risk-based audits of the contracting practices associated with individual personal service and client service contracts from multiple state agencies to ensure compliance with the guidelines established in section 8 of this act. The office of financial management shall conduct the number of audits deemed appropriate by the director of the office of financial management based on funding provided.
- (b) The office of financial management shall forward the results of the audits conducted under this section to the governor, the appropriate standing committees of the legislature, and the joint legislative audit and review committee.

NEW SECTION. Sec. 10. A new section is added to chapter 39.29 RCW to read as follows:

The state auditor and the attorney general shall annually by November 30th of each year provide a collaborative report of contract audit and investigative findings, enforcement actions, and the status of agency resolution to the governor and the policy and fiscal committees of the legislature.

Sec. 11. RCW 39.29.040 and 1998 c 101 s 7 are each amended to read as follows:

This chapter does not apply to:

- (1) Contracts specifying a fee of less than five thousand dollars if the total of the contracts from that agency with the contractor within a fiscal year does not exceed five thousand dollars;
- (2) Contracts awarded to companies that furnish a service where the tariff is established by the utilities and transportation commission or other public entity;
- (3) Intergovernmental agreements awarded to any governmental entity, whether federal, state, or local and any department, division, or subdivision thereof;
- (4) Contracts awarded for services to be performed for a standard fee, when the standard fee is established by the contracting agency or any other governmental entity and a like contract is available to all qualified applicants;
- (5) Contracts for services that are necessary to the conduct of collaborative research if prior approval is granted by the funding source;
- (6) Contracts for client services except as otherwise indicated in this chapter;
- (7) Contracts for architectural and engineering services as defined in RCW 39.80.020, which shall be entered into under chapter 39.80 RCW;
- (8) Contracts for the employment of expert witnesses for the purposes of litigation; and
- (9) Contracts for bank supervision authorized under RCW 30.38.040.

NEW SECTION. **Sec. 12.** Section 7 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 13.** Sections 8 and 9 of this act take effect January 1, 2003."

Renumber sections consecutively and correct the title.

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Schmidt.

Voting Yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting Nay: Representatives McMorris, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Juvenile Justice & Family Law

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

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

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Youth court" means an alternative method of hearing and disposing of traffic infractions for juveniles age sixteen or seventeen.

NEW SECTION. Sec. 2. (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over traffic infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court, a juvenile:

(a) May not have had a prior traffic infraction referred to a youth court;

(b) May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW;

(c) May not have any convictions for a violation of any provision of Title 46 RCW; and

(d) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

NEW SECTION. Sec. 3. (1) A youth court agreement shall be a contract between a juvenile accused of a traffic infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. In determining the amount of the monetary penalty, the youth court shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the monetary penalty. The youth court shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the monetary penalty to be imposed. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(6), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in section 2 of this act, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

NEW SECTION. Sec. 4. Youth courts provide a disposition method for cases involving juveniles alleged to have committed traffic infractions, in which participants, under the supervision of the court, may serve in various capacities within the youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youth courts have no jurisdiction except as provided for in this chapter. Youth courts are not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 5. The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target youth ages sixteen and seventeen who are alleged to have committed a traffic infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. Sec. 6. A court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the court. The fees collected under this section shall not constitute "certain costs" as defined in RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 7. RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed

deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for

medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

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

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 8. RCW 13.40.080 and 1999 c 91 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a ~~((diversionary))~~ diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by ~~((the))~~ any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the ~~((diversionary))~~ diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of ~~((the))~~ any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 14 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted

the ~~((diversionary))~~ diversion unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the divertee.

(b) If additional time is necessary for the juvenile to complete restitution to ~~((the))~~ a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Divertees and potential divertees shall be afforded due process in all contacts with a ~~((diversionary))~~ diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No divertee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the divertee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the divertee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the divertee was diverted:

(i) In juvenile court if the divertee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.

~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((10))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear

in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the ~~((diversionary))~~ diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((11))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((12))~~ (13) A ~~((diversionary))~~ diversion unit may refuse to enter into a diversion agreement with a juvenile. When a ~~((diversionary))~~ diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The ~~((diversionary))~~ diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((13))~~ (14) A ~~((diversionary))~~ diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection ~~((shall))~~ includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a ~~((diversionary))~~ diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((14))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the diveree's eighteenth birthday.

~~((15))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the diveree and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the diveree and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((16))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile

services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 13.40 RCW to read as follows:

Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

- (a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;
- (b) Target offenders age eight through seventeen; and
- (c) Emphasize the following principles:
 - (i) Youth must be held accountable for their problem behavior;
 - (ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;
 - (iii) Youth must develop skills to resolve problems with their peers more effectively; and
 - (iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

NEW SECTION. Sec. 11. A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth courts have authority over juveniles ages eight through seventeen who:

- (a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;
 - (b) Admit they have committed the offense they are referred for;
 - (c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and
 - (d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.
- (2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 12. A new section is added to chapter 13.40 RCW to read as follows:

Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

NEW SECTION. Sec. 13. A new section is added to chapter 13.40 RCW to read as follows:

Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

NEW SECTION. Sec. 14. A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:

(a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;

(b) Providing periodic reports to the youth court;

(c) Participating in mentoring programs;

(d) Serving as a participant in future youth court proceedings;

(e) Writing apology letters; or

(f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

NEW SECTION. Sec. 15. A new section is added to chapter 13.40 RCW to read as follows:

A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

Sec. 16. RCW 9.94A.850 and 2000 c 28 s 41 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile

sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts

or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

- (1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;
- (2) Target violations of school rules by students enrolled in public or private school; and
- (3) Emphasize the following principles:
 - (a) Youth must be held accountable for their problem behavior;
 - (b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;
 - (c) Youth must develop skills to resolve problems with their peers more effectively; and
 - (d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. **Sec. 18.** A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in section 1 of this act or RCW 13.40.020 or a student court pursuant to section 17 of this act.

Sec. 19. RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 14 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

Sec. 20. RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may refer juveniles age sixteen or seventeen who are enrolled in school to a youth court, as defined in section 1 of this act or RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

NEW SECTION. **Sec. 21.** Sections 1 through 6 of this act constitute a new chapter in Title 3 RCW."

Correct the title.

Signed by Representatives Dickerson, Chairman; Darneille, Vice Chairman; Delvin, Ranking Minority Member; Armstrong; Eickmeyer and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell.

Voting Yea: Representatives Dickerson, Darneille, Delvin, Armstrong, Eickmeyer and Tokuda.

Voting Nay: Representative Carrell.

Passed to Committee on Appropriations.

February 28, 2002

2SSB 5909 Prime Sponsor, Senate Committee on Ways & Means: Revising financial responsibility requirements for vessels. Reported by Committee on Agriculture & Ecology

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chairman; Hunt, Vice Chairman; Cooper; Dunshee; Grant; Kirby and Quall.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler, Ranking Minority Member; Chandler; Delvin; Holmquist; Roach and Sump.

Voting Yea: Representatives Linville, Hunt, Cooper, Dunshee, Grant, Kirby and Quall.

Voting Nay: Representatives Schoesler, Chandler, Delvin, Holmquist, Roach and Sump.

Passed to Committee on Appropriations.

February 28, 2002

SB 5999 Prime Sponsor, Senator B. Sheldon: Modifying the telephone assistance program. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting Yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Appropriations.

February 27, 2002

ESSB 6076 Prime Sponsor, Senate Committee on Judiciary: Modifying the powers and duties of fish and wildlife law enforcement officers. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Appropriations.

February 28, 2002

SSB 6234 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Requiring a date certain for the payment of insurance premiums. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.18.140 and 1989 c 25 s 2 are each amended to read as follows:

(1) The written instrument, in which a contract of insurance is set forth, is the policy.

(2) A policy shall specify:

(a) The names of the parties to the contract. The insurer's name shall be clearly shown in the policy.

(b) The subject of the insurance.

(c) The risk insured against.

(d) The time at which the insurance thereunder takes effect and the period during which the insurance is to continue.

(e) A statement of the premium, and if other than life, disability, or title insurance, the premium rate where applicable.

(f) The conditions pertaining to the insurance.

(3) If under the contract the exact amount of premiums is determinable only at termination of the contract, a statement of the basis and rates upon which the final premium is to be determined and paid shall be specified in the policy.

(4)(a) Periodic payment plans for private passenger automobile insurance shall allow a specific day of the month for a due date for payment of premiums. A late charge may not be required if payment is received within five days of the date payment is due.

(b) The commissioner shall adopt rules to implement this subsection and shall take no disciplinary action against an insurer until ninety days after the effective date of the rule.

(5) This section shall not apply to surety insurance contracts."

On page 1, line 2 of the title, after "premiums;" strike the remainder of the title and insert "and amending RCW 48.18.140."

Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting Yea: Representatives Cooper, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Excused: Representative McIntire.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6267 Prime Sponsor, Senate Committee on Judiciary: Revising the principal and income act.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 3, line 23, after "(b)" strike everything through "another" on line 24 and insert "Except as provided under section 104 (a) or (e) of this act, in exercising a"

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6272 Prime Sponsor, Senator Long: Authorizing contracts for provision of basic medical care to sexually violent predators. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6292 Prime Sponsor, Senator Kline: Authorizing lay judicial officers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Without recommendation. Signed by Representatives Carrell, Ranking Minority Member; Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6337 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chairman; Schual-Berke, Vice Chairman; Campbell, Ranking Minority Member; Ballasiotes; Conway; Darneille; Edwards; Ruderman and Skinner.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Benson.

Voting Yea: Representatives Cody, Schual-Berke, Campbell, Ballasiotes, Conway, Darneille, Edwards, Ruderman and Skinner.

Voting Nay: Representatives Alexander and Benson.

Passed to Committee on Finance.

February 28, 2002

SSB 6402 Prime Sponsor, Senate Committee on Human Services & Corrections: Providing for legal financial obligation deductions from inmate funds and wages. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6409 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Requiring an opportunity for a cure before an action on a construction defect may be filed. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds, declares, and determines that limited changes in the law are necessary and appropriate concerning actions claiming damages, indemnity, or contribution in connection with alleged construction defects. It is the intent of the legislature that this chapter apply to these types of civil actions while preserving adequate rights and remedies for property owners who bring and maintain such actions.

NEW SECTION. **Sec. 2.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Action" means any civil lawsuit or action in contract or tort for damages or indemnity brought against a construction professional to assert a claim, whether by complaint, counterclaim, or cross-claim, for damage or the loss of use of real or personal property caused by a defect in the construction of a residence or in the substantial remodel of a residence. "Action" does not include any civil action in tort alleging personal injury or wrongful death to a person or persons resulting from a construction defect.

(2) "Association" means an association, master association, or subassociation as defined and provided for in RCW 64.34.020(4), 64.34.276, 64.34.278, and 64.38.010(1).

(3) "Claimant" means a homeowner or association who asserts a claim against a construction professional concerning a defect in the construction of a residence or in the substantial remodel of a residence.

(4) "Construction professional" means an architect, builder, builder vendor, contractor, subcontractor, engineer, or inspector, including, but not limited to, a dealer as defined in RCW 64.34.020(12) and a declarant as defined in RCW 64.34.020(13), performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property, whether operating as a sole proprietor, partnership, corporation, or other business entity.

(5) "Homeowner" means: (a) Any person, company, firm, partnership, corporation, or association who contracts with a construction professional for the construction, sale, or construction and sale of a residence; and (b) an "association" as defined in this section. "Homeowner" includes, but is not limited to, a subsequent purchaser of a residence from any homeowner.

(6) "Residence" means a single-family house, duplex, triplex, quadraplex, or a unit in a multiunit residential structure in which title to each individual unit is transferred to the owner under a condominium or cooperative system, and shall include common elements as defined in RCW 64.34.020(6) and common areas as defined in RCW 64.38.010(4).

(7) "Serve" or "service" means personal service or delivery by certified mail to the last known address of the addressee.

(8) "Substantial remodel" means a remodel of a residence, for which the total cost exceeds one-half of the assessed value of the residence for property tax purposes at the time the contract for the remodel work was made.

NEW SECTION. Sec. 3. (1) In every construction defect action brought against a construction professional, the claimant shall, no later than forty-five days before filing an action, serve written notice of claim on the construction professional. The notice of claim shall state that the claimant asserts a construction defect claim against the construction professional and shall describe the claim in reasonable detail sufficient to determine the general nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the claimant by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the claimant's residence that is the subject of the claim, and to pay the claimant's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the construction defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the claimant's notice of claim within the time stated in subsection (2) of this section, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(b) If the claimant rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the claimant, and the claimant may thereafter bring an action against the construction professional for the construction defect claim described in the notice of claim.

(4)(a) If the claimant elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to subsection (2)(a) of this section, the claimant shall

provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the claimant:

(i) A written offer to remedy the construction defect at no cost to the claimant, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect described in the claim, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the construction defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the claimant may bring an action against the construction professional for the claim described in the notice of claim without further notice.

(d) If the claimant rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection to either remedy the construction defect or to compromise and settle the claim by monetary payment, the claimant shall serve written notice of the claimant's rejection on the construction professional. After service of the rejection notice, the claimant may bring an action against the construction professional for the construction defect claim described in the notice of claim. If the construction professional has not received from the claimant, within thirty days after the claimant's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection, then at anytime thereafter the construction professional may terminate the offer by serving written notice to the claimant.

(5)(a) Any claimant accepting the offer of a construction professional to remedy the construction defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The claimant shall provide the construction professional and its contractors or other agents reasonable access to the claimant's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The claimant and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Any action commenced by a claimant prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the claimant has complied with the requirements of this section.

(7) Nothing in this section may be construed to prevent a claimant from commencing an action on the construction defect claim described in the notice of claim if the construction professional fails to perform the construction agreed upon, fails to remedy the defect, or fails to perform by the timetable agreed upon pursuant to subsection (2)(a) or (5) of this section.

(8) Prior to commencing any action alleging a construction defect, or after the dismissal of any action without prejudice pursuant to subsection (6) of this section, the claimant may amend the notice of claim to include construction defects discovered after the service of the original notice of claim, and must otherwise comply with the requirements of this section for the additional claims. The service of an amended notice of claim shall relate back to the original notice of claim for purposes of tolling statutes of limitations and repose. Claims for defects discovered after the commencement or recommencement of an action may be added to such action only after providing notice to the construction professional of the defect and allowing for response under subsection (2) of this section.

NEW SECTION. **Sec. 4.** (1) In every action brought against a construction professional, the claimant, including a construction professional asserting a claim against another construction

professional, shall file with the court and serve on the defendant a list of known construction defects in accordance with this section.

(2) The list of known construction defects shall contain a description of the construction that the claimant alleges to be defective. The list of known construction defects shall be filed with the court and served on the defendant within thirty days after the commencement of the action or within such longer period as the court in its discretion may allow.

(3) The list of known construction defects may be amended by the claimant to identify additional construction defects as they become known to the claimant.

(4) The list of known construction defects must specify, to the extent known to the claimant, the construction professional responsible for each alleged defect identified by the claimant.

(5) If a subcontractor or supplier is added as a party to an action under this section, the party making the claim against such subcontractor or supplier shall serve on the subcontractor or supplier the list of construction defects in accordance with this section within thirty days after service of the complaint against the subcontractor or supplier or within such period as the court in its discretion may allow.

NEW SECTION. Sec. 5. (1)(a) In the event the board of directors, pursuant to RCW 64.34.304(1)(d) or 64.38.020(4), institutes an action asserting defects in the construction of two or more residences, common elements, or common areas, this section shall apply. For purposes of this section, "action" has the same meaning as set forth in section 2 of this act.

(b) The board of directors shall substantially comply with the provisions of this section.

(2)(a) Prior to the service of the summons and complaint on any defendant with respect to an action governed by this section, the board of directors shall mail or deliver written notice of the commencement or anticipated commencement of such action to each homeowner at the last known address described in the association's records.

(b) The notice required by (a) of this subsection shall state a general description of the following:

(i) The nature of the action and the relief sought; and

(ii) The expenses and fees that the board of directors anticipates will be incurred in prosecuting the action.

(3) Nothing in this section may be construed to:

(a) Require the disclosure in the notice or the disclosure to a unit owner of attorney-client communications or other privileged communications;

(b) Permit the notice to serve as a basis for any person to assert the waiver of any applicable privilege or right of confidentiality resulting from, or to claim immunity in connection with, the disclosure of information in the notice; or

(c) Limit or impair the authority of the board of directors to contract for legal services, or limit or impair the ability to enforce such a contract for legal services.

NEW SECTION. Sec. 6. (1) The construction professional shall provide notice to each homeowner upon entering into a contract for sale, construction, or substantial remodel of a residence, of the construction professional's right to offer to cure construction defects before a homeowner may commence litigation against the construction professional. Such notice shall be conspicuous and may be included as part of the underlying contract signed by the homeowner. In the sale of a condominium unit, the requirement for delivery of such notice shall be deemed satisfied if contained in a public offering statement delivered in accordance with chapter 64.34 RCW.

(2) The notice required by this subsection shall be in substantially the following form:

CHAPTER 64.-- RCW (sections 1 through 7 of this act) CONTAINS IMPORTANT REQUIREMENTS YOU MUST FOLLOW BEFORE YOU MAY FILE A LAWSUIT FOR DEFECTIVE CONSTRUCTION AGAINST THE SELLER OR BUILDER OF YOUR HOME. FORTY-FIVE DAYS BEFORE YOU FILE YOUR LAWSUIT, YOU MUST DELIVER TO THE SELLER OR BUILDER A WRITTEN NOTICE OF ANY CONSTRUCTION CONDITIONS YOU ALLEGE ARE DEFECTIVE AND

PROVIDE YOUR SELLER OR BUILDER THE OPPORTUNITY TO MAKE AN OFFER TO REPAIR OR PAY FOR THE DEFECTS. YOU ARE NOT OBLIGATED TO ACCEPT ANY OFFER MADE BY THE BUILDER OR SELLER. THERE ARE STRICT DEADLINES AND PROCEDURES UNDER STATE LAW, AND FAILURE TO FOLLOW THEM MAY AFFECT YOUR ABILITY TO FILE A LAWSUIT.

(3) This chapter shall not preclude or bar any action if notice is not given to the homeowner as required by this section.

NEW SECTION. Sec. 7. Nothing in this chapter shall be construed to hinder or otherwise affect the employment, agency, or contractual relationship between and among homeowners and construction professionals during the process of construction or remodeling and does not preclude the termination of those relationships as allowed under current law. Nothing in this chapter shall negate or otherwise restrict a construction professional's right to access or inspection provided by law, covenant, easement, or contract.

NEW SECTION. Sec. 8. A new section is added to chapter 4.16 RCW to read as follows:
If a written notice of claim is served under section 3 of this act within the time prescribed for the filing of an action under this chapter, the statutes of limitations for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under section 3 of this act.

Sec. 9. RCW 4.16.310 and 1986 c 305 s 702 are each amended to read as follows:
All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after June 11, 1986.

If a written notice is filed under section 3 of this act within the time prescribed for the filing of an action under this chapter, the period of time during which the filing of an action is barred under section 3 of this act plus sixty days shall not be a part of the period limited for the commencement of an action, nor for the application of this section.

Sec. 10. RCW 64.34.410 and 1997 c 400 s 1 are each amended to read as follows:
(1) A public offering statement shall contain the following information:
(a) The name and address of the condominium;
(b) The name and address of the declarant;
(c) The name and address of the management company, if any;
(d) The relationship of the management company to the declarant, if any;
(e) A list of up to the five most recent condominium projects completed by the declarant or an affiliate of the declarant within the past five years, including the names of the condominiums, their addresses, and the number of existing units in each. For the purpose of this section, a condominium is "completed" when any one unit therein has been rented or sold;
(f) The nature of the interest being offered for sale;
(g) A brief description of the permitted uses and use restrictions pertaining to the units and the common elements;

(h) A brief description of the restrictions, if any, on the renting or leasing of units by the declarant or other unit owners, together with the rights, if any, of the declarant to rent or lease at least a majority of units;

(i) The number of existing units in the condominium and the maximum number of units that may be added to the condominium;

(j) A list of the principal common amenities in the condominium which materially affect the value of the condominium and those that will or may be added to the condominium;

(k) A list of the limited common elements assigned to the units being offered for sale;

(l) The identification of any real property not in the condominium, the owner of which has access to any of the common elements, and a description of the terms of such access;

(m) The identification of any real property not in the condominium to which unit owners have access and a description of the terms of such access;

(n) The status of construction of the units and common elements, including estimated dates of completion if not completed;

(o) The estimated current common expense liability for the units being offered;

(p) An estimate of any payment with respect to the common expense liability for the units being offered which will be due at closing;

(q) The estimated current amount and purpose of any fees not included in the common expenses and charged by the declarant or the association for the use of any of the common elements;

(r) Any assessments which have been agreed to or are known to the declarant and which, if not paid, may constitute a lien against any units or common elements in favor of any governmental agency;

(s) The identification of any parts of the condominium, other than the units, which any individual owner will have the responsibility for maintaining;

(t) If the condominium involves a conversion condominium, the information required by RCW 64.34.415;

(u) Whether timesharing is restricted or prohibited, and if restricted, a general description of such restrictions;

(v) A list of all development rights reserved to the declarant and all special declarant rights reserved to the declarant, together with the dates such rights must terminate, and a copy of or reference by recording number to any recorded transfer of a special declarant right;

(w) A description of any material differences in terms of furnishings, fixtures, finishes, and equipment between any model unit available to the purchaser at the time the agreement for sale is executed and the unit being offered;

(x) Any liens on real property to be conveyed to the association required to be disclosed pursuant to RCW 64.34.435(2)(b);

(y) A list of any physical hazards known to the declarant which particularly affect the condominium or the immediate vicinity in which the condominium is located and which are not readily ascertainable by the purchaser;

(z) A brief description of any construction warranties to be provided to the purchaser;

(aa) Any building code violation citations received by the declarant in connection with the condominium which have not been corrected;

(bb) A statement of any unsatisfied judgments or pending suits against the association, a statement of the status of any pending suits material to the condominium of which the declarant has actual knowledge, and a statement of any litigation brought by an owners' association, unit owner, or governmental entity in which the declarant or any affiliate of the declarant has been a defendant, arising out of the construction, sale, or administration of any condominium within the previous five years, together with the results thereof, if known;

(cc) Any rights of first refusal to lease or purchase any unit or any of the common elements;

(dd) The extent to which the insurance provided by the association covers furnishings, fixtures, and equipment located in the unit;

(ee) A notice which describes a purchaser's right to cancel the purchase agreement or extend the closing under RCW 64.34.420, including applicable time frames and procedures;

(ff) Any reports or statements required by RCW 64.34.415 or 64.34.440(6)(a). RCW 64.34.415 shall apply to the public offering statement of a condominium in connection with which a

final certificate of occupancy was issued more than sixty calendar months prior to the preparation of the public offering statement whether or not the condominium is a conversion condominium as defined in RCW 64.34.020(10);

(gg) A list of the documents which the prospective purchaser is entitled to receive from the declarant before the rescission period commences;

(hh) A notice which states: A purchaser may not rely on any representation or express warranty unless it is contained in the public offering statement or made in writing signed by the declarant or by any person identified in the public offering statement as the declarant's agent;

(ii) A notice which states: This public offering statement is only a summary of some of the significant aspects of purchasing a unit in this condominium and the condominium documents are complex, contain other important information, and create binding legal obligations. You should consider seeking the assistance of legal counsel;

(jj) Any other information and cross-references which the declarant believes will be helpful in describing the condominium to the recipients of the public offering statement, all of which may be included or not included at the option of the declarant; ~~((and))~~

(kk) A notice that addresses compliance or noncompliance with the housing for older persons act of 1995, P.L. 104-76, as enacted on December 28, 1995; and

(ll) A notice that is substantially in the form required by section 6 of this act.

(2) The public offering statement shall include copies of each of the following documents: The declaration, the survey map and plans, the articles of incorporation of the association, bylaws of the association, rules and regulations, if any, current or proposed budget for the association, and the balance sheet of the association current within ninety days if assessments have been collected for ninety days or more.

If any of the foregoing documents listed in this subsection are not available because they have not been executed, adopted, or recorded, drafts of such documents shall be provided with the public offering statement, and, before closing the sale of a unit, the purchaser shall be given copies of any material changes between the draft of the proposed documents and the final documents.

(3) The disclosures required by subsection (1)(g), (k), (s), (u), (v), and (cc) of this section shall also contain a reference to specific sections in the condominium documents which further explain the information disclosed.

(4) The disclosures required by subsection (1)(ee), (hh), ~~((and))~~ (ii), and (ll) of this section shall be located at the top of the first page of the public offering statement and be typed or printed in ten-point bold face type size.

(5) A declarant shall promptly amend the public offering statement to reflect any material change in the information required by this section.

Sec. 11. RCW 64.34.452 and 1990 c 166 s 14 are each amended to read as follows:

(1) A judicial proceeding for breach of any obligations arising under RCW 64.34.443 and 64.34.445 must be commenced within four years after the cause of action accrues: PROVIDED, That the period for commencing an action for a breach accruing pursuant to subsection (2)(b) of this section shall not expire prior to one year after termination of the period of declarant control, if any, under RCW 64.34.308(4). Such period may not be reduced by either oral or written agreement.

(2) Subject to subsection (3) of this section, a cause of action or breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, the date the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or the date of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the latest of (i) the date the first unit in the condominium was conveyed to a bona fide purchaser, (ii) the date the common element was completed, or (iii) the date the common element was added to the condominium.

(3) If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

(4) If a written notice of claim is served under section 3 of this act within the time prescribed for the filing of an action under this chapter, the statutes of limitation in this chapter and any applicable statutes of repose for construction-related claims are tolled until sixty days after the period of time during which the filing of an action is barred under section 3 of this act.

NEW SECTION. **Sec. 12.** Sections 1 through 7 of this act constitute a new chapter in Title 64 RCW."

Correct the title.

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6416 Prime Sponsor, Senator Poulsen: Allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting Yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6417 Prime Sponsor, Senator Johnson: Regarding the filing of wills in superior court. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6423 Prime Sponsor, Senate Committee on Judiciary: Clarifying how criminal history should be used in sentencing decisions. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6428 Prime Sponsor, Senate Committee on Judiciary: Providing for loss prevention review teams. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 4, after line 30, insert the following:

"(9) Nothing in section 2 of this act or in this section affects chapter 70.41 RCW and application of that chapter to state-owned or managed hospitals licensed under chapter 70.41 RCW."

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Carrell, Ranking Minority Member; Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Appropriations.

February 28, 2002

SB 6429 Prime Sponsor, Senator B. Sheldon: Regulating the admissibility of benevolent gestures in civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt.

Voting Yea: Representatives Lantz, Hurst, Carrell, Dickerson, Esser, Jarrett, Lovick and Lysen.

Voting Nay: Representative Boldt.

Passed to Committee on Rules for second reading.

March 1, 2002

SSB 6447 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Establishing a do not call list. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.158.110 and 1989 c 20 s 11 are each amended to read as follows:
(1) Within the first minute of the telephone call, a commercial telephone solicitor or salesperson shall:

- (a) Identify himself or herself, the company on whose behalf the solicitation is being made, the property, goods, or services being sold; and
 - (b) Terminate the telephone call within ten seconds if the purchaser indicates he or she does not wish to continue the conversation.
- (2) If at any time during the telephone contact, the purchaser states or indicates that he or she does not wish to be called again by the commercial telephone solicitor or wants to have his or her name and individual telephone number removed from the telephone lists used by the commercial telephone solicitor:
- (a) The commercial telephone solicitor shall not make any additional commercial telephone solicitation of the called party at that telephone number within a period of at least one year; and
 - (b) The commercial telephone solicitor shall not sell or give the called party's name and telephone number to another commercial telephone solicitor: PROVIDED, That the commercial telephone solicitor may return the list, including the called party's name and telephone number, to the company or organization from which it received the list.
- (3) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section and section 2 of this act. The notification may be made by:
- (a) Annual inserts in the billing statements mailed to residential customers; or
 - (b) Conspicuous publication of the notice in the consumer information pages of local telephone directories.
- (4) If a sale or an agreement to purchase is completed, the commercial telephone solicitor must inform the purchaser of his or her cancellation rights as enunciated in this chapter, state the registration number issued by the department of licensing, and give the street address of the seller.
- (5) If, at any time prior to sale or agreement to purchase, the commercial telephone solicitor's registration number is requested by the purchaser, it must be provided.
- (6) All oral disclosures required by this section shall be made in a clear and intelligible manner.

NEW SECTION. Sec. 2. A new section is added to chapter 19.158 RCW to read as follows:

- (1)(a) The department of licensing shall provide for the establishment and operation of a list of telephone numbers of persons who object to receiving commercial telephone solicitations. The list shall be called the do not call list. The department shall update the list quarterly, and shall provide the list, in written or electronic form, to commercial telephone solicitors that are registered with the department under RCW 19.158.050 and have paid all applicable fees. The department shall establish a fee sufficient to support the costs of administering and enforcing this section and providing the list quarterly to each commercial telephone solicitor. To the extent that moneys from civil penalties or attorney fee awards are deposited in the commercial telephone solicitation account, the department shall use these revenues to support its responsibilities under this section, and it shall adjust the fee accordingly. Each commercial telephone solicitor registered under this chapter must pay the fee annually. The department of licensing may contract with a private vendor to establish and maintain the do not call list.
- (b) Beginning January 1, 2003, persons wishing to have their phone numbers placed on the list must notify the department of licensing. A listing shall be effective for two years, after which the person may renew the listing for successive two-year periods by notifying the department of licensing. The department of licensing shall determine the notification requirements.
- (c) All fees collected by the department of licensing under this section, and civil penalties and attorneys' fees collected by the attorney general in enforcing this section, shall be deposited in the commercial telephone solicitation account created in section 3 of this act, and used solely for the administration and enforcement of this section.
- (2) No commercial telephone solicitor may make a commercial telephone solicitation to any telephone number more than sixty days after the number appears on the current do not call list.
- (3) A telephone solicitation made to a number on the do not call list is not a violation of this section if the telephone solicitation is an isolated occurrence made by a person who has in place adequate procedures to comply with this section.

(4) The legislature finds that the practices covered by this section are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this section is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. In addition to any other penalties or remedies available under this chapter or chapter 19.86 RCW, a person injured by a violation of subsection (2) of this section may bring an action for recovery of liquidated damages in the amount of one thousand dollars per violation, plus court costs and attorneys' fees.

(5) The director of the department of licensing may make rules, create forms, and issue orders as necessary to carry out the provisions of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 19.158 RCW to read as follows:

The commercial telephone solicitation account is created in the custody of the state treasurer. All moneys received by the department under section 2 of this act and civil penalties and attorneys' fees collected by the attorney general in enforcing section 2 of this act shall be deposited in the commercial telephone solicitation account and used solely for the administration and enforcement of section 2 of this act. Only the director of the department of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2002."

Correct the title.

Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Anderson; Berkey; Bush; Casada; DeBolt; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Delvin.

Voting Yea: Representatives Morris, Ruderman, Anderson, Berkey, Bush, Casada, Esser, Hunt, Linville, Lysen, Nixon, Sullivan and Wood.

Voting Nay: Representatives Crouse and Delvin.

Excused: Representatives DeBolt, Pflug, Reardon and Romero.

Passed to Committee on Appropriations.

February 28, 2002

SSB 6473 Prime Sponsor, Senate Committee on Human Services & Corrections: Facilitating the convicted offender DNA data base. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1989 c 350 s 1 (uncodified) is amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that ~~((the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific~~

~~breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29))~~ DNA data bases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA data base and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and DNA samples necessary for the identification of missing persons and unidentified human remains.

The legislature further finds that the DNA identification system used by the Federal Bureau of Investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

Sec. 2. RCW 43.43.754 and 1999 c 329 s 2 are each amended to read as follows:

(1) Every adult or juvenile individual convicted of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense ~~((defined as a sex offense under RCW 9.94A.030(33)(a) or a violent offense as defined in RCW 9.94A.030~~ shall have a blood sample ~~drawn~~) must have a biological sample collected for purposes of DNA identification analysis~~((--))~~ in the following manner:

(a) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who ~~((are serving or who are to serve a term of confinement in a county jail or detention))~~ do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining ~~((blood))~~ the biological samples either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after ~~((July 25, 1999))~~ the effective date of this act, or within a reasonable time after ~~((July 25, 1999))~~ the effective date of this act, for those persons incarcerated ~~((prior to July 25, 1999))~~ before the effective date of this act, who have not yet had a ~~((blood))~~ biological sample ~~((drawn))~~ collected, beginning with those persons who will be released the soonest.

(b) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility, the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after the effective date of this act.

(c) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a ~~((division of juvenile rehabilitation))~~ department of social and health services facility, the facility holding the person shall be responsible for obtaining ~~((blood))~~ the biological samples either as part of the intake process into such facility for those persons convicted on or after ~~((July 25, 1999))~~ the effective date of this act, or within a reasonable time after ~~((July 25, 1999))~~ the effective date of this act, for those persons incarcerated ~~((prior to July 25, 1999))~~ before the effective date of this act, who have not yet had a ~~((blood))~~ biological sample ~~((drawn))~~ collected, beginning with those persons who will be released the soonest.

(2) Any ~~((blood))~~ biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other ~~((blood grouping))~~ tests for identification analysis and prosecution of a ~~((sex offense or a violent offense))~~ criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the Federal Bureau of Investigation combined DNA index system.

(3) The director of the forensic laboratory services bureau of the Washington state patrol shall perform testing on all biological samples collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030.

(4) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990; and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent offense after July 1, 1994; and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after the effective date of this act; and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before the effective date of this act and are still incarcerated on or after the effective date of this act.

(5) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(6) The detention, arrest, or conviction of a person based upon a data base match or data base information is not invalidated if it is determined that the sample was obtained or placed in the data base by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

Sec. 3. RCW 43.43.759 and 1990 c 230 s 1 are each amended to read as follows:

The Washington state patrol shall consult with the forensic investigations council and adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation, to the identification of human remains or missing persons, or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758. The rules must also identify appropriate sources and collection methods for biological samples needed for purposes of DNA identification analysis.

NEW SECTION. Sec. 4. A new section is added to chapter 43.43 RCW to read as follows:

Every sentence imposed under chapter 9.94A RCW, for a felony specified in RCW 43.43.754 that is committed on or after the effective date of this act, must include a fee of one hundred dollars for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit fees collected to the state treasurer for deposit in the state DNA data base account created under section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 43.43 RCW to read as follows:

The state DNA data base account is created in the custody of the state treasurer. All receipts under section 4 of this act must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA data base under RCW 43.43.754. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 6. RCW 9.94A.505 and 2001 2nd sp.s. c 12 s 312 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, ~~((and))~~ 9.94A.760, and section 4 of this act.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community

placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Section 1 of this act is added to chapter 43.43 RCW.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2002."

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Appropriations.

February 28, 2002

SB 6484 Prime Sponsor, Senator Haugen: Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6496 Prime Sponsor, Senate Committee on Judiciary: Regulating vehicular pursuit. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6510 Prime Sponsor, Senator Kline: Changing provisions relating to the administrative office of the courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6511 Prime Sponsor, Senator Johnson: Authorizing any sitting elected judge to be a judge pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

February 28, 2002

ESSB 6524 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Restricting use of credit history. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows: UNDERWRITING RESTRICTIONS THAT APPLY TO PERSONAL INSURANCE. (1) For the purposes of this section:

- (a) "Adverse action" has the same meaning as defined in the fair credit reporting act, 15 U.S.C. Sec. 1681 et seq. Adverse actions include, but are not limited to:
- (i) Cancellation, denial, or nonrenewal of personal insurance coverage;
 - (ii) Charging a higher insurance premium for personal insurance than would have been offered if the credit history or insurance score had been more favorable, whether the charge is by:
 - (A) Application of a rating rule;
 - (B) Assignment to a rating tier that does not have the lowest available rates; or
 - (C) Placement with an affiliate company that does not offer the lowest rates available to the consumer within the affiliate group of insurance companies; or
 - (iii) Any reduction, adverse, or unfavorable change in the terms of coverage or amount of any personal insurance due to a consumer's credit history or insurance score. A reduction, adverse, or unfavorable change in the terms of coverage occurs when:
 - (A) Coverage provided to the consumer is not as broad in scope as coverage requested by the consumer but available to other insureds of the insurer or any affiliate; or
 - (B) The consumer is not eligible for benefits such as dividends that are available through affiliate insurers.
- (b) "Affiliate" has the same meaning as defined in RCW 48.31B.005(1).
- (c) "Consumer" means an individual policyholder or applicant for insurance.
- (d) "Consumer report" has the same meaning as defined in the fair credit reporting act, 15 U.S.C. Sec. 1681 et seq.
- (e) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.
- (f) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.
- (g) "Personal insurance" means:

- (i) Private passenger automobile coverage;
- (ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;
- (iii) Dwelling property coverage;
- (iv) Earthquake coverage for a residence or personal property;
- (v) Personal liability and theft coverage;
- (vi) Personal inland marine coverage; and
- (vii) Mechanical breakdown coverage for personal auto or home appliances.

(h) "Tier" means a category within a single insurer into which insureds with substantially like insuring, risk or exposure factors, and expense elements are placed for purposes of determining rate or premium.

(2) An insurer that takes adverse action against a consumer based in whole or in part on credit history or insurance score shall provide written notice to the applicant or named insured. The notice must state the significant factors of the credit history or insurance score that resulted in the adverse action. The insurer shall also inform the consumer that the consumer is entitled to a free copy of their consumer report under the fair credit reporting act.

(3) An insurer shall not cancel or nonrenew personal insurance based in whole or in part on a consumer's credit history or insurance score. An offer of placement with an affiliate insurer does not constitute cancellation or nonrenewal under this section.

(4) An insurer may use credit history to deny personal insurance only in combination with other substantive underwriting factors. For the purposes of this subsection:

- (a) "Deny" means an insurer refuses to offer insurance coverage to a consumer;
- (b) An offer of placement with an affiliate insurer does not constitute denial of coverage; and
- (c) An insurer may reject an application when coverage is not bound or cancel an insurance contract within the first sixty days after the effective date of the contract.

(5) Insurers shall not deny personal insurance coverage based on:

- (a) The absence of credit history or the inability to determine the consumer's credit history, if the insurer has received accurate and complete information from the consumer;

- (b) The number of credit inquiries;

- (c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

- (d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

- (e) The consumer's use of a particular type of credit card, charge card, or debit card, unless specifically permitted by rule adopted by the commissioner; or

- (f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(6)(a) If disputed credit history is used to determine eligibility for coverage and a consumer is placed with an affiliate that charges higher premiums or offers less favorable policy terms:

- (i) The insurer shall reissue or rerate the policy retroactive to the effective date of the current policy term; and

- (ii) The policy, as reissued or rerated, shall provide premiums and policy terms the consumer would have been eligible for if accurate credit history had been used to determine eligibility.

- (b) This subsection only applies if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(7) The commissioner may adopt rules to implement this section.

(8) This section applies to all personal insurance policies issued or renewed after January 1, 2003.

NEW SECTION. Sec. 2. A new section is added to chapter 48.19 RCW to read as follows:
MAKING OF RATES--PERSONAL INSURANCE. (1) For the purposes of this section:

- (a) "Consumer" means an individual policyholder or applicant for insurance.

(b) "Credit history" means any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's creditworthiness, credit standing, or credit capacity that is used or expected to be used, or collected in whole or in part, for the purpose of serving as a factor in determining personal insurance premiums or eligibility for coverage.

(c) "Insurance score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit history.

(d) "Personal insurance" means:

(i) Private passenger automobile coverage;

(ii) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(iii) Dwelling property coverage;

(iv) Earthquake coverage for a residence or personal property;

(v) Personal liability and theft coverage;

(vi) Personal inland marine coverage; and

(vii) Mechanical breakdown coverage for personal auto or home appliances.

(2) Credit history shall not be used to determine personal insurance rates, premiums, or eligibility for coverage unless the insurance scoring models are filed with the commissioner. Insurance scoring models include all attributes and factors used in the calculation of an insurance score. RCW 48.19.040(5) does not apply to any information filed under this subsection, and the information shall be withheld from public inspection and kept confidential by the commissioner. All information filed under this subsection shall be considered trade secrets under RCW 48.02.120(3). Information filed under this subsection may be made public by the commissioner for the sole purpose of enforcement actions taken by the commissioner.

(3) Insurers shall not use the following types of credit history to calculate a personal insurance score or determine personal insurance premiums or rates:

(a) The absence of credit history or the inability to determine the consumer's credit history, unless the insurer has filed actuarial data segmented by demographic factors in a manner prescribed by the commissioner that demonstrates compliance with RCW 48.19.020;

(b) The number of credit inquiries;

(c) Credit history or an insurance score based on collection accounts identified with a medical industry code;

(d) The initial purchase or finance of a vehicle or house that adds a new loan to the consumer's existing credit history, if evident from the consumer report; however, an insurer may consider the bill payment history of any loan, the total number of loans, or both;

(e) The consumer's use of a particular type of credit card, charge card, or debit card, unless specifically permitted by rule adopted by the commissioner; or

(f) The consumer's total available line of credit; however, an insurer may consider the total amount of outstanding debt in relation to the total available line of credit.

(4) If a consumer is charged higher premiums due to disputed credit history, the insurer shall rerate the policy retroactive to the effective date of the current policy term. As rerated, the consumer shall be charged the same premiums they would have been charged if accurate credit history was used to calculate an insurance score. This subsection applies only if the consumer resolves the dispute under the process set forth in the fair credit reporting act and notifies the insurer in writing that the dispute has been resolved.

(5) The commissioner may adopt rules to implement this section.

(6) This section applies to all personal insurance policies issued or renewed on or after June 30, 2003.

NEW SECTION. **Sec. 3.** Captions used in this act are not any part of the law.

NEW SECTION. **Sec. 4.** The commissioner shall report to the legislature by January 1, 2004, on issues related to the use of credit history in personal insurance underwriting and rating and the implementation of this act. The report must include:

(1) A review of how this act has been implemented and how it has impacted consumers; and

(2) A review and analysis of insurance scoring that is due to the legislature by January 1, 2003, which includes, but is not limited to:

- (a) Which types of consumers, based on demographic factors, benefit from or are harmed by the use of credit history in personal insurance rating and underwriting;
- (b) The extent to which the use of credit history affects rates charged to the consumer;
- (c) Whether insurance scoring results in discrimination against a protected class of people or the poor; and
- (d) Other issues as determined by the commissioner."

On page 1, line 1 of the title, after "purposes;" strike the remainder of the title and insert "adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; and creating new sections."

Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Hatfield; Miloscia; Santos and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Benson, Ranking Minority Member; Barlean; Cairnes; Mielke and Roach.

Voting Yea: Representatives Cooper, McIntire, Hatfield, Miloscia, Santos and Simpson.

Voting Nay: Representatives Benson, Barlean, Cairnes and Mielke.

Excused: Representatives Roach.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6525 Prime Sponsor, Senator Prentice: Regulating single premium credit insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that single premium credit insurance, when added to a loan balance and financed, reduces equity in real property and may cost purchasers of credit insurance thousands of dollars in interest payments. This insurance may also be sold using deceptive marketing practices.

NEW SECTION. Sec. 2. A new section is added to chapter 48.30 RCW to read as follows:

(1) For the purpose of this section:

(a) "Single premium credit insurance" means any credit insurance where the full premium is charged to the consumer as a whole sum at or near the inception of coverage whether that charge is made by the creditor or by the insurer.

(b) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single-family dwelling or multiple-family dwelling of four or less units.

(2) Single premium credit insurance products shall not be sold in connection with a residential mortgage loan unless:

(a) The borrower is given the option to buy monthly credit insurance products where the insurance premiums are not financed;

(b) The term of the single premium credit insurance coverage is not longer than the term of the loan agreement or the premiums are financed for a period not to exceed the term of the single premium credit insurance coverage;

(c) The borrower is provided a full refund of premiums if the insurance is canceled within sixty days of the date of the loan; and

(d) The borrower is provided with written notification that the purchase of the single premium credit insurance is optional and that the receipt of the loan is not contingent on the purchase of the insurance. Failure to provide this notification shall constitute an unfair or deceptive practice under RCW 19.146.0201 and 31.04.027.

(3) An insurer must comply with the terms of this section:

(a) The earlier of sixty days after the commissioner approves an insurer's credit insurance monthly product or one year after the effective date of this section, unless the insurer and the commissioner are actively engaged in making a good faith effort towards approval of the credit insurance monthly product; or

(b) One year after the effective date of this section if the insurer has not filed a credit insurance monthly product for approval.

(4) The commissioner may adopt rules establishing disclosure standards for the sale of single premium credit insurance. All disclosures to the borrower must be in writing. The disclosure statement must be signed by the borrower and the borrower must receive a copy of the signed document no later than the time of closing. Required disclosures include, but are not limited to:

(a) The cost of single premium credit insurance and related financing charges;

(b) A comparison of the cost of single premium credit insurance to comparable credit insurance described in subsection (2)(a) of this section;

(c) The borrower's rights related to purchase and cancellation of the insurance; and

(d) Notification to the borrower that the purchase of the single premium credit insurance is optional and that the receipt of the loan is not contingent on the purchase of the insurance.

NEW SECTION. Sec. 3. A new section is added to chapter 48.30 RCW to read as follows:
The prohibition under section 2 of this act does not apply to residential mortgage loans if:

(1) The loan amount does not exceed ten thousand dollars, exclusive of fees; and

(2) The repayment term of the loan does not exceed five years; and

(3) The term of the credit insurance does not exceed the repayment term of the loan.

NEW SECTION. Sec. 4. This act takes effect July 1, 2002."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "adding new sections to chapter 48.30 RCW; creating a new section; and providing an effective date."

Signed by Representatives Cooper, Chairman; McIntire, Vice Chairman; Benson, Ranking Minority Member; Barlean; Cairnes; Hatfield; Mielke; Miloscia; Roach; Santos and Simpson.

Voting Yea: Representatives Cooper, McIntire, Benson, Barlean, Cairnes, Hatfield, Mielke, Miloscia, Roach, Santos and Simpson.

Passed to Committee on Rules for second reading.

March 1, 2002

ESSB 6528 Prime Sponsor, Senate Committee on State & Local Government: Allowing governmental entities that award publicly funded contracts to select contractors using the lowest responsible bidder method. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 5, after "for" strike "publicly funded" and insert "public works"

On page 1, line 8, after "RCW" insert "or RCW 28B.10.350"

On page 1, line 10, after "for" strike "publicly funded" and insert "public works"

On page 1, line 12, after "responsible" strike all material through "act" on line 13.

On page 1, line 16, after "consider" insert ", but is not limited to,"

On page 2, line 10, after "entities" strike all material through "used." on line 15 and insert "may create their own questionnaire or may use a questionnaire created by the Washington state department of general administration to determine compliance with section 2 of this act."

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Schmidt.

Voting Yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting Nay: Representatives McMorris, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

March 1, 2002

ESSB 6531 Prime Sponsor, Senate Committee on Environment, Energy & Water: Modifying the duties of the joint committee on energy supply. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting Yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Sullivan and Wood.

Excused: Representatives DeBolt, Pflug, Reardon and Romero.

Passed to Committee on Rules for second reading.

March 1, 2002

SB 6571 Prime Sponsor, Senator Franklin: Providing fiscal impact statements for ballot measures. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.79 RCW to read as follows:

The legislature recognizes that through the initiative and referendum processes, voters play an increasing role in setting statewide legislative policy and adopting new laws. In exercising this authority, voters in this state deserve to have sufficient information to make educated decisions. The Washington state supreme court recognized that a significant number of voters make decisions on initiatives and referenda based merely upon the information provided in the ballot. Therefore, the ballot should provide voters with the information they need to evaluate the impacts of their decision, just as the legislature educates its own decisions through fiscal notes under chapter 43.88A RCW. The legislature finds that the voters of the state have a particular interest in understanding their decisions'

impacts on existing government services and programs. This is best accomplished by preparing a fiscal impact statement and providing voters with a "notice of probable impacts," which summarizes the fiscal impact statement and shall be displayed on ballots directly beneath the ballot title."

Correct the title, renumber the sections consecutively, and correct internal references accordingly.

On page 2, beginning on line 11, strike all material through page 3, line 8, and insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 29.79 RCW to read as follows:

If a fiscal impact statement identifies a combined financial impact of at least twenty-five million dollars on state and local governments, the office of financial management must prepare a notice of probable impacts to be placed on the ballot beneath the ballot title. The office of financial management shall prepare a notice of probable impacts in consultation with the secretary of state, the attorney general, and any other appropriate state or local agencies.

The notice of probable impacts must be no more than fifty words, must be written in clear and concise language, avoiding legal and technical terms when possible, and may include easy to understand graphics. Where appropriate, the notice of probable impacts may include both estimated dollar amounts and a description placing the estimated dollar amounts into context.

The notice of probable impacts shall appear on all ballots directly beneath the ballot title. Above the notice must be a heading in capital letters, stating "NOTICE OF PROBABLE IMPACTS OF BALLOT MEASURE."

NEW SECTION. Sec. 4. A new section is added to chapter 29.79 RCW to read as follows:

The fiscal impact statement and the notice of probable impacts must identify which programs, if any, will be eliminated because of a decrease in revenues or increase in costs, expenditures, or indebtedness. If the office of financial management cannot determine which specific government services or programs will be impacted, the fiscal impact statement and notice of probable impacts must list five of the largest services or programs currently funded by the impacted governments.

The office of financial management must file the fiscal impact statement and notice of probable impacts with the office of the secretary of state no later than thirty days following qualification of the ballot measure for the ballot pursuant to RCW 29.79.230, 29.79.270, 29.79.280, or 29.79.250.

NEW SECTION. Sec. 5. A new section is added to chapter 29.79 RCW to read as follows:

Once a notice of probable impacts is filed with the secretary of state, the secretary of state shall immediately provide the text of the notice of probable impacts to the person proposing the ballot measure and any others who have made written request for notification of the exact language of the notice.

A person dissatisfied with the notice of probable impacts may appeal to the superior court of Thurston County within five days of the filing date. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the notice of probable impacts, the fiscal impact statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state a notice of probable impacts it determines will be sufficient.

The decision of the superior court is final, and its notice of probable impacts is the established notice of probable impacts.

Sec. 6. RCW 29.30.081 and 1990 c 59 s 13 are each amended to read as follows:

(1) On the top of each ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election. If a state measure has a combined fiscal impact of at least twenty-five million dollars on state and local governments, a fifty word notice of probable impacts

prepared by the office of financial management under section 3 of this act must be placed on the ballot beneath the ballot title.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first following the appropriate office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state.

(3) The names of candidates for president and vice-president for each political party shall be grouped together with a single response position for a voter to indicate his or her choice.

(4) All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot.

Sec. 7. RCW 29.81.240 and 1999 c 260 s 4 are each amended to read as follows:

Committees shall write and submit arguments advocating the approval or rejection of each statewide ballot issue ~~((and))~~, rebuttals of those arguments, and statements responding to each fiscal impact statement prepared by the office of financial management. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial ~~((argument statements))~~ arguments advocating the approval or rejection of the ballot measure to the secretary of state, the secretary of state shall transmit the ~~((statements))~~ arguments to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only argument statements prepared according to this section. Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons or caricatures are not permitted.

Sec. 8. RCW 29.81.250 and 1999 c 260 s 5 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Federal and state offices must appear in the pamphlet in the same sequence as they appear on the ballot. Measures and arguments must be printed in the order specified by RCW 29.79.300.

The voters' pamphlet must provide the following information for each statewide issue on the ballot:

- (1) The legal identification of the measure by serial designation or number;
- (2) The official ballot title of the measure;
- (3) A statement prepared by the attorney general explaining the law as it presently exists;
- (4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) A fiscal impact statement prepared by the office of financial management explaining the fiscal impact of the proposed measure if it becomes law, not to exceed one hundred words;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

~~((6))~~ (7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

~~((7))~~ (8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

~~((8))~~ (9) A statement from each committee responding to the fiscal impact statement prepared by the office of financial management;

(10) Each argument ~~((or))~~, rebuttal statement, and response statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

~~((9))~~ (11) The full text of each measure.

Sec. 9. RCW 29.81.280 and 1999 c 260 s 8 are each amended to read as follows:

(1) If in the opinion of the secretary of state any argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate, or in response to a fiscal impact statement, contains obscene matter or matter that is otherwise prohibited by law from distribution through the mail, the secretary may petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the matter. The court shall not enter such an order unless it concludes that the matter is obscene or otherwise prohibited for distribution through the mail.

(2)(a) A person who believes that he or she may be defamed by an argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate may petition the superior court of Thurston County for a judicial determination that the argument or statement may be rejected for publication or edited to delete the defamatory ~~((statement))~~ matter.

(b) The court shall not enter such an order unless it concludes that the argument or statement is untrue and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

(c) An action under this subsection (2) must be filed and served no later than the tenth day after the deadline for the submission of the argument or statement to the secretary of state.

(d) If the secretary of state notifies a person named or identified in an argument or statement of the contents of the argument or statement within three days after the deadline for submission to the secretary, then neither the state nor the secretary is liable for damages resulting from publication of the argument or statement unless the secretary publishes the argument or statement in violation of an order entered under this section. Nothing in this section creates a duty on the part of the secretary of state to identify, locate, or notify the person.

(3) Parties to a dispute under this section may agree to resolve the dispute by rephrasing the argument or statement, even if the deadline for submission to the secretary has elapsed, unless the secretary determines that the process of publication is too far advanced to permit the change. The secretary shall promptly provide any such revision to any committee entitled to submit a rebuttal argument. If that committee has not yet submitted its rebuttal, its deadline to submit a rebuttal is extended by five days. If it has submitted a rebuttal, it may revise it to address the change within five days of the filing of the revised argument with the secretary.

(4) In an action under this section the committee or candidate must be named as a defendant, and may be served with process by certified mail directed to the address contained in the secretary's records for that party. The secretary of state shall be a nominal party to an action brought under subsection (2) of this section, solely for the purpose of determining the content of the voters' pamphlet. The superior court shall give such an action priority on its calendar.

Sec. 10. RCW 29.81.290 and 1999 c 260 s 9 are each amended to read as follows:

(1) An argument or statement submitted to the secretary of state for publication in the voters' pamphlet is not available for public inspection or copying until:

(a) In the case of candidate statements, (i) all statements by all candidates who have filed for a particular office have been received, except those who informed the secretary that they will not submit statements, or (ii) the deadline for submission of statements has elapsed;

(b) In the case of arguments supporting or opposing a measure, (i) the arguments on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; ~~((and))~~

(c) In the case of rebuttal arguments, (i) the rebuttals on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; and

(d) In the case of statements written in response to fiscal impact statements, (i) the statements on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of statements has elapsed.

(2) Nothing in this section prohibits the secretary from releasing information under RCW 29.81.280(2)(d).

Sec. 11. RCW 29.81.310 and 1999 c 260 s 11 are each amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice-president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW ((~~29.81.230~~) 29.81.240) may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) Statements from committees responding to fiscal impact statements may not exceed fifty words in length.

(5) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office.

NEW SECTION. **Sec. 12.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Schmidt.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McDermott and Schmidt.

Voting Nay: Representatives McMorris, Schindler and Upthegrove.

Passed to Committee on Appropriations.

March 1, 2002

SB 6577 Prime Sponsor, Senator Gardner: Prohibiting substitution of subcontractors on larger public works contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** This act is intended to discourage bid shopping and bid peddling on Washington state public building and works projects.

Sec. 2. RCW 39.30.060 and 1999 c 109 s 1 are each amended to read as follows:

(1) Every invitation to bid on a prime contract that is expected to cost one million dollars or more for the construction, alteration, or repair of any public building or public work of the state or a state agency or municipality as defined under RCW 39.04.010 or an institution of higher education as defined under RCW 28B.10.016 shall require each prime contract bidder to submit as part of the bid, or within one hour after the published bid submittal time, the names of the subcontractors with whom

the bidder, if awarded the contract, will subcontract for performance of the work of: HVAC (heating, ventilation, and air conditioning); plumbing as described in chapter 18.106 RCW; and electrical as described in chapter 19.28 RCW, or to name itself for the work. The prime contract bidder shall not list more than one subcontractor for each category of work identified, unless subcontractors vary with bid alternates, in which case the prime contract bidder must indicate which subcontractor will be used for which alternate. Failure of the prime contract bidder to submit as part of the bid the names of such subcontractors or to name itself to perform such work or the naming of two or more subcontractors to perform the same work shall render the prime contract bidder's bid nonresponsive and, therefore, void.

(2) Substitution of a listed subcontractor in furtherance of bid shopping or bid peddling before or after the award of the prime contract is prohibited and the originally listed subcontractor is entitled to recover monetary damages from the prime contract bidder who executed a contract with the public entity and the substituted subcontractor but not from the public entity inviting the bid. It is the original subcontractor's burden to prove by a preponderance of the evidence that bid shopping or bid peddling occurred. Substitution of a listed subcontractor may be made by the prime contractor for the following reasons:

- (a) Refusal of the listed subcontractor to sign a contract with the prime contractor;
- (b) Bankruptcy or insolvency of the listed subcontractor;
- (c) Inability of the listed subcontractor to perform the requirements of the proposed contract or the project;
- (d) Inability of the listed subcontractor to obtain the necessary license, bonding, insurance or other statutory requirements to perform the work detailed in the contract; or
- (e) The listed subcontractor is barred from participating in the project as a result of a court order or summary judgment.

(3) The requirement of this section to name the prime contract bidder's proposed (~~heating, ventilation and air conditioning~~)HVAC, plumbing, and electrical subcontractors applies only to proposed (~~heating, ventilation and air conditioning~~)HVAC, plumbing, and electrical subcontractors who will contract directly with the (~~general contractor~~)prime contract bidder submitting the bid to the public entity."

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6596 Prime Sponsor, Senator McCaslin: Increasing the number of Spokane district court judges.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Passed to Committee on Rules for second reading.

March 1, 2002

SB 6637 Prime Sponsor, Senator Kline: Requiring financial disclosure by ballot measure sponsors.
Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 15, after "(3)" strike all material through "the" on line 17 and insert "Every person who files a signed affidavit with a proposed initiative or referendum measure pursuant to RCW 29.79.010 must, within two weeks of the filing of the initiative or referendum petitions under RCW 29.79.140, file with the"

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schmidt and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives Schindler.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schmidt and Upthegrove.

Voting Nay: Representative Schindler.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6648 Prime Sponsor, Senate Committee on Human Services & Corrections: Improving coordination of services when criminal mistreatment occurs. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that responses by the department of social and health services and public safety agencies have varied between jurisdictions when allegations of withholding of the basic necessities of life are made. The legislature intends to improve the capacity of the department of social and health services and public safety agencies to respond to situations where the basic necessities of life are withheld by allowing an earlier intervention in such cases. The legislature finds that improved coordination between the department of social and health services and public safety agencies at an earlier point will lead to better treatment of children and families and will reduce the likelihood of serious harm.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) Criminal mistreatment in the fourth degree is a misdemeanor.

Sec. 3. RCW 9A.42.040 and 2000 c 76 s 2 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply to decisions to withdraw life support systems made in accordance with chapter 7.70 or 70.122 RCW by the dependent person, his or her legal surrogate, or others with a legal duty to care for the dependent person.

Sec. 4. RCW 9A.42.045 and 2000 c 76 s 3 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply when a terminally ill or permanently unconscious person or his or her legal surrogate, as set forth in chapter 7.70 RCW, requests, and the person receives, palliative care from a licensed home health agency, hospice agency, nursing home, or hospital providing care under the medical direction of a physician. As used in this section, the terms "terminally ill" and "permanently unconscious" have the same meaning as "terminal condition" and "permanent unconscious condition" in chapter 70.122 RCW.

NEW SECTION. **Sec. 5.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) When a law enforcement officer arrests a person for criminal mistreatment of a child, the officer must notify child protective services.

(2) When a law enforcement officer arrests a person for criminal mistreatment of a dependent person other than a child, the officer must notify adult protective services.

Sec. 6. RCW 10.05.010 and 1998 c 208 s 1 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

Sec. 7. RCW 10.05.020 and 1996 c 24 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgement of his or her rights; (b) an acknowledgement and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgement that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the charges or sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems, or in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

~~((3))~~ (4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 8. RCW 10.05.030 and 1999 c 143 s 42 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment program as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, ~~((or))~~ to an approved mental health center, if the petition alleges a mental problem, or the department of social and health services if the petition is brought under RCW 10.05.020(2).

Sec. 9. RCW 10.05.040 and 1985 c 352 s 7 are each amended to read as follows:

The facility to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem described;
- (2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required;
- (4) Whether effective treatment or child welfare services for the person's problem ~~((is))~~ are available; and
- (5) Whether the person is amenable to treatment or willing to cooperate with child welfare services.

Sec. 10. RCW 10.05.050 and 1985 c 352 s 8 are each amended to read as follows:

(1) The facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

- ~~((1))~~ (a) The type;

- ~~((2))~~ (b) Nature;
- ~~((3))~~ (c) Length;
- ~~((4))~~ (d) A treatment or service time schedule; and
- ~~((5))~~ (e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment facility or the department of social and health services that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement every three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

Sec. 11. RCW 26.44.130 and 1988 c 190 s 4 are each amended to read as follows:

When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause to believe that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the peace officer has the authority to arrest the person without a warrant pursuant to RCW 10.31.100.

NEW SECTION. **Sec. 12.** A new section is added to chapter 10.05 RCW to read as follows:

Child welfare services provided under chapter 74.13 RCW pursuant to a deferred prosecution ordered under RCW 10.05.060 may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

NEW SECTION. **Sec. 13.** A new section is added to chapter 74.13 RCW to read as follows:

The department or its contractors may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 14. RCW 10.05.120 and 1998 c 208 s 3 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the two-year treatment program, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner. In any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan unless the petitioner has voluntarily terminated his or her parental rights and the court has determined that the termination is in the best interest of the child.

NEW SECTION. **Sec. 15.** (1) The department of social and health services, in consultation with the attorney general and organizations representing law enforcement agencies, shall prepare a plan

for improved coordination of services to families when a member of the family is charged with criminal mistreatment under chapter 9A.42 RCW. The plan shall include revisions in the department's identification of the needs for services for the families following an arrest and filing of criminal mistreatment charges, delivery of such services, ways of enhancing cooperation with law enforcement agencies during and following the investigation and trial on such charges, improved identification of those incidents which may precede such charges and are indicators of a need for offering of services and possible improvements in the methods of response to such incidents, suggestions for ongoing efforts in reducing the number of criminal mistreatment charges through improved identification of incidents and trends that are markers of potentially serious family stress, and a review of the adequacy of current sentencing for violations of the criminal mistreatment statutes.

(2) The department of social and health services shall regularly consult with the legislature in the preparation of the plan. The plan shall be submitted to the governor and the legislature not later than December 1, 2002.

(3) This section expires December 31, 2002."

Correct the title.

Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Rules for second reading.

February 28, 2002

SSB 6658 Prime Sponsor, Senate Committee on Environment, Energy & Water: Clarifying the types of energy conservation projects a public utility may assist its customers in financing. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting Yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, DeBolt, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Reardon, Romero, Sullivan and Wood.

Passed to Committee on Rules for second reading.

March 1, 2002

SSB 6660 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Protecting personal information about law enforcement officers and their families. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 11, strike all of subsection (b) and insert the following:

"(b) Personal information in files maintained for employees, appointees, or elected officials, including, but not limited to, law enforcement officers and corrections officers, of any public agency to the extent that disclosure would violate their right to privacy or threaten their safety or the safety of their families. This information includes, but is not limited to, residential addresses, residential telephone numbers, contents of public employment records, and financial information other than the public salaries paid to employees, appointees, or elected officials, as otherwise provided."

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Schindler.

MINORITY recommendation: Do not pass. Signed by Representatives McMorris, Ranking Minority Member; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McDermott, Schindler and Upthegrove.
Voting Nay: Representatives McMorris and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 2002

ESB 6675 Prime Sponsor, Senator Prentice: Prohibiting health care facilities from requiring employees to perform overtime work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chairman; Wood, Vice Chairman; Clements, Ranking Minority Member; Kenney and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and McMorris.

Voting Yea: Representatives Conway, Wood, Clements, Kenney and Lysen.
Voting Nay: Representatives Chandler and McMorris.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6685 Prime Sponsor, Senator Rossi: Changing provisions relating to ignition interlock devices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 1, line 13, after "a))" insert "(a)"

On page 1, line 17, after "is" strike ";

(a) Convicted" and insert "convicted"

On page 2, line 12, after "drive" strike everything through "46.20.308. (((" on line 15 and insert "~~only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device.~~"

On page 2, line 17, after "suspended" strike "-))" and insert ")).

(b)"

On page 4, line 32, beginning with "or is" strike everything through "46.20.308,"

Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Boldt; Dickerson; Esser; Jarrett; Lovick and Lysen.

Voting Yea: Representatives Lantz, Hurst, Carrell, Boldt, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representative Dickerson.

Passed to Committee on Transportation.

March 1, 2002

ESB 6713 Prime Sponsor, Senator Jacobsen: Making voluntary payroll deductions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McDermott and Upthegrove.

MINORITY recommendation: Without recommendation. Signed by Representatives McMorris, Ranking Minority Member; Schindler and Schmidt.

Voting Yea: Representatives Romero, Miloscia, McDermott and Upthegrove.

Voting Nay: Representatives McMorris, Schindler and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 2002

SB 6763 Prime Sponsor, Senator Costa: Creating a task force on services for crime victims. Reported by Committee on Criminal Justice & Corrections

MAJORITY recommendation: Do pass. Signed by Representatives O'Brien, Chairman; Lovick, Vice Chairman; Ballasiotes, Ranking Minority Member; Ahern; Kagi; Kirby and Morell.

Voting Yea: Representatives O'Brien, Lovick, Ballasiotes, Ahern, Kagi, Kirby and Morell.

Passed to Committee on Appropriations.

March 1, 2002

SB 6779 Prime Sponsor, Senator Haugen: Creating the military facilities task force. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that placing a high priority on the continuation of military activities at the military bases located in our state is in the best interest of the state and the United States. The combined efforts of the state and local governments and the private sector, working in partnership with the United States military, will be required to avoid the closure of these bases. Therefore, the joint committee on veterans' and military affairs is tasked to conduct a Washington military facilities study to determine and coordinate statewide efforts needed to ensure all military facilities in Washington retain their premier status with respect to their national defense missions.

NEW SECTION. Sec. 2. (1) The joint committee on veterans' and military affairs shall inform the governor and the legislature on matters affecting the operational viability of military facilities within Washington through:

- (a) Understanding the mission of each military facility in Washington;
- (b) Examining the integral role of Washington facilities within the national defense structure;
- (c) Identifying any obstacles to the mission of each facility according to criteria used by its respective branch of service;
- (d) Examining methods and options for outsourcing and privatizing military base infrastructure support activities;
- (e) Examining any law, ordinance, requirement, rule, or regulation that impacts each facility's mission;
- (f) Evaluating any locally developed proposals intended to mitigate the impact of military facilities on surrounding areas or the impact of nonmilitary activities in surrounding areas on the mission of military facilities; and

- (g) Studying the economic impacts of the facilities on the Washington economy.
- (2) The joint committee shall make recommendations to the governor and the legislature regarding actions needed to ensure the viability of military facilities, including:
 - (a) Expenditures appropriate to ensure the proper functioning and continued operation of military facilities within the state;
 - (b) Required changes to state law, local ordinances, local zoning requirements, or any other state or local requirement, rule, or regulation in order to encourage the continued operation of military facilities within the state; and
 - (c) Any required actions to be taken by the state at the federal level in support of military facilities within the state.

NEW SECTION. **Sec. 3.** In carrying out the requirements of this act, the joint committee shall invite participation and seek input from any experts it deems appropriate, but at minimum shall consult with representatives and nonelected community leaders of each county and city containing a major military facility and the military authorities of each military base in the state.

NEW SECTION. **Sec. 4.** The committee shall begin work on the Washington military facilities study immediately after the completion of the legislative session. It shall continue until such time as the consensus of committee membership is to conclude."

Correct the title.

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

March 1, 2002

SSJM 8026 Prime Sponsor, Senate Committee on Environment, Energy & Water: Requesting increased borrowing authority for the Bonneville Power Administration. Reported by Committee on Technology, Telecommunications & Energy

MAJORITY recommendation: Do pass. Signed by Representatives Morris, Chairman; Ruderman, Vice Chairman; Crouse, Ranking Minority Member; Anderson; Berkey; Bush; Casada; DeBolt; Delvin; Esser; Hunt; Linville; Lysen; Nixon; Pflug; Reardon; Romero; Sullivan and Wood.

Voting Yea: Representatives Morris, Ruderman, Crouse, Anderson, Berkey, Bush, Casada, Delvin, Esser, Hunt, Linville, Lysen, Nixon, Pflug, Sullivan and Wood.
Excused: Representatives DeBolt, Reardon and Romero.

Passed to Committee on Rules for second reading.

February 28, 2002

SJM 8034 Prime Sponsor, Senator Costa: Requesting that the Supreme Court enter into compacts with the Tribal nations concerning criminal justice information. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Lantz, Chairman; Hurst, Vice Chairman; Carrell, Ranking Minority Member; Dickerson; Esser; Jarrett; Lovick and Lysen.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

March 1, 2002

SSJM 8036 Prime Sponsor, Senate Committee on State & Local Government: Requesting a memorial to remember the internment of Japanese-Americans during World War II. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

March 1, 2002

SJM 8038 Prime Sponsor, Senator Haugen: Asking the federal government for cooperation with the military facilities task force. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended.

On page 1, line 12, after "WHEREAS," strike all material through "bases" on line 17 and insert "The combined efforts of the state and local governments and the private sector, working in partnership with the United States military, will mitigate against such closure"

On page 2, line 5, after "legislation" strike all material through "Force" on line 11 and insert "tasking the Joint Committee on Veterans' and Military Affairs to conduct a Washington military facilities study; and

WHEREAS, The purpose of this study is to ensure the operational viability of Washington military facilities by recommending changes to state and local laws and regulations, and by facilitating cooperative efforts such as outsourcing and privatizing military base infrastructure support activities when these efforts do not jeopardize national security or do not interfere or put at risk the missions and operations of Washington military facilities"

On page 2, line 17 after "with the" strike "Legislative Military Facilities Task Force of the State of Washington" and insert "Washington military facilities study"

Signed by Representatives Romero, Chairman; Miloscia, Vice Chairman; McMorris, Ranking Minority Member; McDermott; Schindler; Schmidt and Upthegrove.

Voting Yea: Representatives Romero, Miloscia, McMorris, McDermott, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

February 28, 2002

SSCR 8404 Prime Sponsor, Senate Committee on Higher Education: Adopting the update to the state comprehensive plan for work force training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 2, at the beginning of line 16, strike all material through "concurring," on line 17, and insert "and

WHEREAS, An adequate supply of health care personnel is of critical importance to the well-being of Washington residents; and

WHEREAS, Washington state is facing a growing public health crisis because of a shortage of health care personnel; and

WHEREAS, The shortage of health care personnel threatens the ability of Washington residents to continue to obtain quality, accessible health care;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That a Health Care Personnel Task Force is established at the Work Force Training and Education Coordinating Board. The task force shall consist of no more than twenty members appointed in the following manner:

(1) Two members from the House of Representatives, one from the majority party and one from the minority party, to be appointed by the Speaker of the House;

(2) Two members from the Senate, one from the majority party and one from the minority party, to be appointed by the President of the Senate;

(3) One member shall represent hospitals, to be appointed by the Governor;

(4) One member shall represent public hospital districts, to be appointed by the Governor;

(5) One member shall represent nurses, to be appointed by the Governor;

(6) One member shall represent physicians, to be appointed by the Governor;

(7) One member shall represent dentists, to be appointed by the Governor;

(8) One member shall represent allied health professionals with documented shortages, to be appointed by the Governor;

(9) One member shall represent long-term care providers, to be appointed by the Governor;

(10) One member shall represent community and migrant health centers, to be appointed by the Governor;

(11) One member shall represent the Washington State Department of Health;

(12) One member shall represent the Work Force Training and Education Coordinating Board;

(13) One member shall represent the Higher Education Coordinating Board;

(14) One member shall represent the State Board for Community and Technical Colleges;

(15) One member shall represent the Office of Superintendent of Public Instruction;

(16) One member shall represent organized labor, to be appointed by the Governor;

(17) One member shall represent the state board of health; and

(18) The Governor shall appoint a chairperson of the task force who has no connection to the health care industry and who shall represent the public at large; and

BE IT FURTHER RESOLVED, That within available funds, the Work Force Training and Education Coordinating Board or lead agency for a specific technical advisory committee may hire staff. The task force may appoint technical advisory committees and contract for professional assistance. State agencies, the Senate, and the House of Representatives may provide staff support upon request of the task force. The Work Force Training and Education Coordinating Board, for these efforts, has authority to seek and expend funds from private foundations and professional associations and institutions; and

BE IT FURTHER RESOLVED, That in the conduct of its business, the task force shall have reasonable access to health care personnel and related work force data available to all state agencies. All state agencies shall provide the task force with all requested health personnel data and other relevant work force information maintained by their agencies in a timely manner; and

BE IT FURTHER RESOLVED, That the task force shall develop a Washington state strategic plan for ensuring an adequate supply of health care personnel, including physicians, dentists, nurses,

pharmacists, and other health providers with documented shortages, and coordinating efforts to address health care personnel shortages that will safeguard the ability of the health care delivery system in Washington state to provide quality, accessible health care to residents of Washington, which shall:

- (1) Identify ways to increase the capacity of health professions' training programs to prepare students to meet the increasing need for health care personnel;
- (2) Identify ways to improve the marketing and outreach of the health professions and improve recruitment of and support for students interested in them;
- (3) Recommend changes to streamline entry to practice regulations and requirements. The task force shall not entertain discussions on changes to existing scopes of practice;
- (4) Recommend changes to federal and state statutes and regulations that prevent stimulating and rewarding practice environments;
- (5) Recommend ways to increase the diversity of health professions, engage families transitioning from welfare to work, and encourage other currently unemployed workers to seek jobs in the health care industries; and
- (6) Recommend strategies to maximize and leverage public and private efforts to address health care personnel shortages; and

BE IT FURTHER RESOLVED, That the task force shall submit an interim report to the Governor and the Legislature on or before December 31, 2002, and a final report to include a state strategic plan by December 31, 2003. The task force shall cease to exist on December 31, 2003; and BE IT FURTHER RESOLVED,"

Signed by Representatives Kenney, Chairman; Fromhold, Vice Chairman; Cox, Ranking Minority Member; Chase; Gombosky; Jarrett and Lantz.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunn.

Voting Yea: Representatives Kenney, Fromhold, Cox, Chase, Gombosky, Jarrett and Lantz.

Voting Nay: Representative Dunn.

Excused: Representative Skinner.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., March 4, 2002, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FORTY SEVENTH DAY, MARCH 1, 2002

LTC --

LTC --

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2002

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

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

MESSAGES FROM THE SENATE

March 2, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2288,
HOUSE BILL NO. 2299,
HOUSE BILL NO. 2303,
HOUSE BILL NO. 2370,
HOUSE BILL NO. 2450,
HOUSE BILL NO. 2467,
SUBSTITUTE HOUSE BILL NO. 2592,
HOUSE BILL NO. 2625,
HOUSE BILL NO. 2809,
HOUSE BILL NO. 2907,

ENGROSSED HOUSE JOINT MEMORIAL NO. 4025,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 4, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2381,
HOUSE BILL NO. 2401,
SUBSTITUTE HOUSE BILL NO. 2415,
ENGROSSED HOUSE BILL NO. 2491,
HOUSE BILL NO. 2493,
SUBSTITUTE HOUSE BILL NO. 2754,
SUBSTITUTE HOUSE BILL NO. 2758,

and the same are herewith transmitted.

Tony M. Cook, Secretary

INTRODUCTION & FIRST READING

HB 3021 by Representative Clements

AN ACT Relating to repealing ergonomics rules; amending RCW 49.17.040 and 49.17.050; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3022 by Representatives Gombosky, Benson, Wood and Ahern

AN ACT Relating to economic development; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 3023 by Representative Murray

AN ACT Relating to debt capacity.

Referred to Committee on Capital Budget.

HB 3024 by Representative Murray

AN ACT Relating to general state revenues.

Referred to Committee on Capital Budget.

HB 3025 by Representative Sommers

AN ACT Relating to post judgment interest on tort judgments; amending RCW 4.56.115 and 19.52.025; and creating a new section.

Referred to Committee on Judiciary.

HB 3026 by Representatives Kessler and Linville

AN ACT Relating to providing funds for a rescue tug; adding a new section to chapter 90.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Appropriations.

HB 3027 by Representatives Grant, Clements, Kessler, Chandler and McMorris

AN ACT Relating to implementing the governor's competitiveness council report on regulations concerning ergonomics; adding a new section to chapter 49.17 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 3028 by Representatives Mastin and Grant

AN ACT Relating to the taxation of raffles; and amending RCW 9.46.110.

Referred to Committee on Finance.

HB 3029 by Representative Gombosky

AN ACT Relating to multiple daily drawing on-line games; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Finance.

ESSB 6494 by Senate Committee on Transportation (originally sponsored by Senators Hochstatter, Haugen, Benton, Shin, Johnson, Gardner, Finkbeiner, Kastama, McDonald, Carlson, Swecker, Parlette, Stevens, Hewitt, Morton, Sheahan, Rasmussen, Winsley and Oke)

AN ACT Relating to two-year vehicle licensing; amending RCW 46.16.006, 46.16.0621, 46.16.063, 46.16.065, 46.16.070, 46.16.071, 46.16.079, 46.16.085, 46.16.090, 46.16.121, 46.16.160, 46.16.210, 46.16.220, 46.16.225, 46.16.260, 46.16.313, 46.16.505, 46.16.585, 46.16.606, 46.16.630, 46.16.670, 46.68.030, 46.68.035, 81.100.060, 81.104.160, 82.80.020, and 46.01.140; and creating new sections.

Referred to Committee on Transportation.

SSB 6814 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to transportation fees; amending RCW 46.09.070, 46.10.040, 46.12.040, 46.12.080, 46.12.181, 46.16.0621, 46.16.160, 46.16.630, 46.20.055, 46.20.117, 46.20.200,

46.20.293, 46.29.050, 46.52.130, and 46.68.020; reenacting and amending RCW 46.12.170; creating new sections; and providing an effective date.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

March 4, 2002

HB 2700 Prime Sponsor, Representative Fisher: Authorizing local transportation financing alternatives. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Haigh; Hatfield; Jackley; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Ericksen; Hankins; Holmquist; Jarrett; Mielke; Morell; Schindler; Skinner and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Haigh, Hatfield, Jackley, Lovick, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting Nay: Representatives Anderson, Ericksen, Hankins, Holmquist, Jarrett, Mielke, Morell, Schindler, Skinner and Woods.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

HB 2926 Prime Sponsor, Representative Clements: Establishing the state library in the office of the secretary of state. Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representative Dunshee.

Passed to Committee on Rules for second reading.

March 2, 2002

HB 3001 Prime Sponsor, Representative Linville: Creating the water conservation account. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee;

Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Alexander.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

HB 3010 Prime Sponsor, Representative Fromhold: Creating the select committee on pension policy.
Reported by Committee on Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chairman; Boldt; Buck; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Clements; Lisk and Pflug.

Voting Yea: Representatives Sommers, Boldt, Buck, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Clements, Lisk and Pflug.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5138 Prime Sponsor, Senator Morton: Increasing the weight of vehicles exempted from scale stops.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.44.105 and 1999 c 23 s 1 are each amended to read as follows:

(1) Violation of any of the provisions of this chapter is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 shall be assessed a penalty for each pound overweight, as follows:

(a) One pound through four thousand pounds overweight is three cents for each pound;

(b) Four thousand one pounds through ten thousand pounds overweight is one hundred twenty dollars plus twelve cents per pound for each additional pound over four thousand pounds overweight;

(c) Ten thousand one pounds through fifteen thousand pounds overweight is eight hundred forty dollars plus sixteen cents per pound for each additional pound over ten thousand pounds overweight;

(d) Fifteen thousand one pounds through twenty thousand pounds overweight is one thousand six hundred forty dollars plus twenty cents per pound for each additional pound over fifteen thousand pounds overweight;

(e) Twenty thousand one pounds and more is two thousand six hundred forty dollars plus thirty cents per pound for each additional pound over twenty thousand pounds overweight.

Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section or the additional penalty assessed in subsection (2) of this section, except as provided for the first violation, be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) It is unlawful for the driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. It is unlawful for a driver of a commercial motor vehicle as defined in RCW 46.32.005, other than the driver of a bus as defined in RCW 46.32.005(2) or a vehicle with a gross vehicle or combination weight not over sixteen thousand pounds and not transporting hazardous materials in accordance with RCW 46.32.005(3), to fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open. However, unladen tow trucks regardless of weight and farm vehicles carrying farm produce with a gross vehicle or combination weight not over twenty-six thousand pounds may fail or refuse to stop at a weighing station when proper traffic control signs indicate scales are open.

Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law. If the vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of the load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. The owner or operator of the vehicle shall care for all materials unloaded at the risk of the owner or operator.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined one thousand dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, district courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "overweight" means the poundage in excess of the maximum allowable gross weight or axle/axle grouping weight prescribed by RCW 46.44.041, 46.44.042, 46.44.047, 46.44.091, and 46.44.095.

(8) The penalties provided in subsections (1) and (2) of this section shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under subsections (1) and (2) of this section, the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.

(9) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW

46.44.047, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

(10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

(11) It is a traffic infraction to direct the loading of a vehicle with knowledge that it violates the requirements in RCW 46.44.041, 46.44.042, 46.44.047, 46.44.090, 46.44.091, or 46.44.095 and that it is to be operated on the public highways of this state.

(12) The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section."

Signed by Representatives Fisher, Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Cooper, Vice Chairman; Anderson and Mielke.

Voting Yea: Representatives Fisher, Lovick, Mitchell, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Voting Nay: Representatives Cooper, Anderson, Mielke and Reardon.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

SB 5166 Prime Sponsor, Kohl-Welles: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended. Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Buck; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt; Clements and Pearson.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Buck, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Boldt, Clements and Pearson.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 5209 Prime Sponsor, Senate Committee on Transportation: Allowing federally recognized Indian tribes to buy surplus real property from the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Edwards, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Anderson, Armstrong and Jarrett.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 5264 Prime Sponsor, Senate Committee on Ways & Means: Prohibiting public employers from misclassifying employees to avoid providing benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendment, see Journal, 46th Day, February 8, 2002. Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Sehlin; Alexander; Boldt; Buck; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting Yea: Representatives Sommers, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 2, 2002

SB 5352 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug; Ruderman and Talcott.

Voting Yea: Representatives Sommers, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Schual-Berke and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug, Ruderman and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

2SSB 5354 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions:
Modifying mobile home relocation assistance. Reported by Committee on
Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. (For committee amendment, see Journal, 46th Day, February 8, 2002. Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin; Alexander; Boldt; Buck; Clements; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting Yea: Representatives Sommers, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 5400 Prime Sponsor, Senate Committee on Economic Development & Telecommunications:
Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Schoesler and Woods.

Voting Yea: Representatives Murray, McIntire, Alexander, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon and Veloria.

Voting Nay: Representatives Schoesler and Woods.

Excused: Representative Armstrong.

Passed to Committee on Rules for second reading.

March 4, 2002

E2SSB 5425 Prime Sponsor, Senate Committee on Environment, Energy & Water: Implementing notices and procedures regarding aerial application of pesticides to control plant pests. (REVISED FOR ENGROSSED: Implementing notices and procedures regarding aerial application of pesticides to eradicate plant pests.) Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Agriculture & Ecology.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 17.24.007 and 2000 c 100 s 6 are each amended to read as follows:

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

- (1) "Department" means the state department of agriculture.
- (2) "Director" means the director of the state department of agriculture or the director's designee.
- (3) "Quarantine" means a rule issued by the department that prohibits or regulates the movement of articles, bees, plants, or plant products from designated quarantine areas within or outside the state to prevent the spread of disease, plant pathogens, or pests to nonquarantine areas.
- (4) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.
- (5) "Plants and plant products" means trees, shrubs, vines, forage, and cereal plants, and all other plants and plant parts, including cuttings, grafts, scions, buds, fruit, vegetables, roots, bulbs, seeds, wood, lumber, and all products made from the plants and plant products.
- (6) "Certificate" or "certificate of inspection" means an official document certifying compliance with the requirements of this chapter. The term "certificate" includes labels, rubber stamp imprints, tags, permits, written statements, or a form of inspection and certification document that accompanies the movement of inspected and certified plant material and plant products, or bees, bee hives, or beekeeping equipment.
- (7) "Compliance agreement" means a written agreement between the department and a person engaged in growing, handling, or moving articles, plants, plant products, or bees, bee hives, or beekeeping equipment regulated under this chapter, in which the person agrees to comply with stipulated requirements.
- (8) "Distribution" means the movement of a regulated article from the property where it is grown or kept, to property that is not contiguous to the property, regardless of the ownership of the properties.
- (9) "Genetically engineered organism" means an organism altered or produced through genetic modification from a donor, vector, or recipient organism using recombinant DNA techniques, excluding those organisms covered by the food, drug and cosmetic act (21 U.S.C. Secs. 301-392).
- (10) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.
- (11) "Sell" means to sell, to hold for sale, offer for sale, handle, or to use as inducement for the sale of another article or product.
- (12) "Noxious weed" means a living stage, including, but not limited to, seeds and reproductive parts, of a parasitic or other plant of a kind that presents a threat to Washington agriculture or environment.
- (13) "Regulated article" means a plant or plant product, bees or beekeeping equipment, noxious weed or other articles or equipment capable of harboring or transporting plant or bee pests or noxious weeds that is specifically addressed in rules or quarantines adopted under this chapter.
- (14) "Owner" means the person having legal ownership, possession, or control over a regulated article covered by this chapter including, but not limited to, the owner, shipper, consignee, or their agent.
- (15) "Nuisance" means a plant, or plant part, apiary, or property found in a commercial area on which is found a pest, pathogen, or disease that is a source of infestation to other properties.
- (16) "Bees" means adult insects, eggs, larvae, pupae, or other immature stages of the species *Apis mellifera*.
- (17) "Bee pests" means a mite, other parasite, or disease that causes injury to bees and those honey bees generally recognized to have undesirable behavioral characteristics such as or as found in Africanized honey bees.
- (18) "Biological control" means the use by humans of living organisms to control or suppress undesirable animals and plants; the action of parasites, predators, or pathogens on a host or prey population to produce a lower general equilibrium than would prevail in the absence of these agents.
- (19) "Biological control agent" means a parasite, predator, or pathogen intentionally released, by humans, into a target host or prey population with the intent of causing population reduction of that host or prey.

(20) "Emergency" means a situation where there is an imminent danger of an infestation of plant pests or disease that seriously threatens the state's agricultural or horticultural industries or environment and that cannot be adequately addressed with normal procedures or existing resources.

(21) "Large urban residential area" means that area lying within the incorporated boundaries of a city with a population of greater than one hundred thousand and the urban growth area contiguous to the city, and in which residential uses are a permitted or a conditional use.

(22) "Asian gypsy moth" means the Asian strain of the gypsy moth *Lymantria dispar*.

Sec. 2. RCW 15.58.065 and 1989 c 380 s 5 are each amended to read as follows:

(1) In submitting data required by this chapter, the applicant may:

(a) Mark clearly any portions which in the applicant's opinion are trade secrets or commercial or financial information; and

(b) Submit such marked material separately from other material required to be submitted under this chapter.

(2) Except under section 3 of this act and notwithstanding any other provision of this chapter or other law, the director shall not make public information which in the director's judgment should be privileged or confidential because it contains or relates to trade secrets or commercial or financial information except that, when necessary to carry out the provisions of this chapter, information relating to unpublished formulas of products acquired by authorization of this chapter may be revealed to any state or federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the director when necessary under this chapter.

(3) Except under section 3 of this act, if the director proposes to release for inspection information which the applicant or registrant believes to be protected from disclosure under subsection (2) of this section, the director shall notify the applicant or registrant in writing, by certified mail. The director shall not thereafter make available for inspection such data until thirty days after receipt of the notice by the applicant or registrant. During this period, the applicant or registrant may institute an action in the superior court of Thurston county for a declaratory judgment as to whether such information is subject to protection under subsection (2) of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 15.58 RCW, to be codified between RCW 15.58.065 and 15.58.070, to read as follows:

(1) When the director proposes to eradicate the Asian gypsy moth through the aerial application of pesticides within a large urban residential area as defined in RCW 17.24.007, the director shall consult with the department of health concerning unpublished formulas of products acquired by authorization of this chapter for the purpose of obtaining the department's independent assessment of the possible human health risks associated with the proposed use. The director shall consult with the department of health regarding such an application if:

(a) The director has not previously consulted the department of health under this section regarding the product or products;

(b) There has been a change in the formula of the product or products since a previous such consultation; or

(c) The director has been notified by the department of health that new information is available to it that would materially alter the assessment the department provided to the director in a previous consultation regarding the product or products.

(2) The director shall reveal to the department of health the confidential statement of formula for the purpose of assessing the possible human health risks associated with the proposed pesticide use.

(3) The department of health shall consider the confidential statement of formula, the proposed pesticide use, the impact on affected populations, and any other considerations that may bear on public health in making an assessment of the possible human health risks.

(4) The director shall make any independent assessment available to the public except that the names, chemical abstract service numbers, or other identifying characteristics or percentages of inert ingredients in a pesticide, and any other information that in the director's judgment should be confidential, shall not be disclosed. Additionally, any information or documents used in preparation of an independent assessment that pertain to the confidential statement of formula and any protected trade secret information shall not be disclosed to the public by any person.

(5) This section shall be in addition to and shall not limit the authority of the director under any other provision of law to release to the public information relating to pesticide formula, ingredients, or other information.

(6) Damages may be sought under chapter 19.108 RCW with regard to an unauthorized release of the unpublished formula of a product that is the subject of a consultation under this section to any person not authorized to receive the information under this section or this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 17.24 RCW to read as follows:

When surveys and other measures detect the presence of the Asian gypsy moth within a large urban residential area, and when the aerial application of pesticides may be considered as a measure to eradicate the pest, the director shall provide public notice of the survey results and the alternatives for eradication measures. The director shall hold a public meeting within the area to provide information and to receive comments from the public on the survey results, and the alternatives for eradication measures. The director shall accept such comments for a period of thirty days from the date the public meeting is held, or a lesser period as the director determines if immediate action is required to implement eradication measures.

Sec. 5. RCW 17.24.171 and 1991 c 257 s 21 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, or economic well-being, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(~~((14))~~) (13). The director's findings shall contain an evaluation of the affect of the emergency measures on public health. When the requested measures include the aerial application of pesticides in a large urban residential area for the eradication of Asian gypsy moths, the findings shall also include a summary of the information relied upon in determining the extent of the danger, the alternative measures considered, and, when applicable, the director's response to the public comments received under section 4 of this act.

(2) If an emergency is declared pursuant to RCW 43.06.010(~~((14))~~) (13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(~~((14))~~) (13) and this section and make subsequent recommendations to the governor. The committee shall include representatives of the agricultural and silvicultural industries, state and local government, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals or companies, or both, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) When emergency measures taken include the aerial application of pesticides in a large urban residential area for the eradication of Asian gypsy moths, the director shall implement procedures for notifying the community in the application area before each aerial application.

(6) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ten days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

Sec. 6. RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

- (3) The governor shall make the appointments and supply the vacancies mentioned in this title;
- (4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;
- (5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;
- (7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;
- (8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;
- (9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;
- (10) The governor shall issue and transmit election proclamations as prescribed by law;
- (11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;
- (12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected, and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;
- (13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural, silvicultural, or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;
- (14) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands."

Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox and Lisk.

Voting Yea: Representatives Sommers, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox and Lisk.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5513 Prime Sponsor, Senator Haugen: Compensating highway and ferry workers for motorist assault. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Haigh; Hankins; Jackley; Jarrett; Lovick; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Ericksen; Hatfield; Holmquist; Mielke and Schindler.

Voting Yea: Representatives Fisher, Cooper, Haigh, Hankins, Jackley, Jarrett, Lovick, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Skinner, Sullivan, Wood and Woods.

Voting Nay: Representatives Mitchell, Anderson, Ericksen, Hatfield, Holmquist, Mielke and Schindler.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5523 Prime Sponsor, Senator Horn: Authorizing an offset for certain overpayments of tax concerning leased equipment. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 5552 Prime Sponsor, Senate Committee on Higher Education: Expanding border county higher education opportunities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.80.805 and 1999 c 320 s 1 are each amended to read as follows:

(1) The legislature finds that certain tuition policies in Oregon state are more responsive to the needs of students living in economic regions that cross the state border than the Washington state policies. Under Oregon policy, students who are Washington residents may enroll at Portland State University for eight credits or less and pay the same tuition as Oregon residents. Further, the state of Oregon passed legislation in 1997 to begin providing to its community colleges the same level of state funding for students residing in bordering states as students residing in Oregon.

(2) The legislature intends to build on the recent Oregon initiatives regarding tuition policy for students in bordering states and to facilitate regional planning for higher education delivery by creating a pilot project on resident tuition rates in ~~((four))~~ Washington counties that border Oregon state.

Sec. 2. RCW 28B.80.806 and 2000 c 160 s 3 are each amended to read as follows:

(1) The border county higher education opportunity pilot project is created. The purpose of the pilot project is to allow ~~((four))~~ Washington institutions of higher education that are located in ~~((four))~~ counties on the Oregon border to implement ~~((, on a trial basis,))~~ tuition policies that correspond to Oregon policies. Under the border county pilot project, Columbia Basin Community College, Clark College, Lower Columbia Community College, Grays Harbor Community College, and ~~((Clark))~~ Walla Walla Community College may enroll students who reside in the bordering Oregon counties of Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Washington at resident tuition rates. The Tri-Cities and Vancouver

~~((branch))~~ branches of Washington State University may enroll students who reside in the bordering Oregon counties of Columbia, Multnomah, Clatsop, Clackamas, Morrow, Umatilla, Union, Wallowa, and Washington for eight credits or less at resident tuition rates.

(2) Washington institutions of higher education participating in the pilot project shall give priority program enrollment to Washington residents.

Sec. 3. RCW 28B.15.0139 and 2000 c 160 s 2 are each amended to read as follows:

For the purposes of determining resident tuition rates, "resident student" includes a resident of Oregon, residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county, who meets the following conditions:

(1) The student is eligible to pay resident tuition rates under Oregon laws and has been domiciled in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county for at least ~~((ninety consecutive days))~~ one year immediately before enrollment at a community college located in Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, or ~~((Pacific))~~ Walla Walla county, Washington; or

(2) The student is enrolled in courses located at the Tri-Cities or Vancouver branch of Washington State University for eight credits or less.

Sec. 4. RCW 28B.80.807 and 1999 c 320 s 3 are each amended to read as follows:

(1) The higher education coordinating board shall administer Washington's participation in the border county higher education opportunity pilot project.

(2) By ~~((November 30, 2004))~~ December 1, 2003, the board shall report to the governor and appropriate committees of the legislature on the results of the pilot project. For each participating Washington institution of higher education, the report shall analyze, by program, the impact of the pilot project on: Enrollment levels, distribution of students by residency, and enrollment capacity. The report shall also include a recommendation on the extent to which border county tuition policies should be revised or expanded.

Sec. 5. 2000 c 160 s 4 (uncodified) is amended to read as follows:
This act expires June 30, ~~((2002))~~ 2004.

Sec. 6. 1999 c 320 s 6 (uncodified) is amended to read as follows:
This act expires June 30, ~~((2002))~~ 2004.

NEW SECTION. **Sec. 7.** This act expires June 30, 2004."

Correct the title.

Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5568 Prime Sponsor, Senator Prentice: Clarifying business location requirements for tow truck operators. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Ericksen; Haigh; Hankins;

Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Ericksen, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sullivan, Wood and Woods.

Excused: Representatives Anderson, Armstrong, Edwards, Haigh and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2002

ESB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Juvenile Justice & Family Law.

Strike everything after the enacting clause and insert the following:

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

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Youth court" means an alternative method of hearing and disposing of traffic infractions for juveniles age sixteen or seventeen.

NEW SECTION. Sec. 2. (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over traffic infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court, a juvenile:

(a) May not have had a prior traffic infraction referred to a youth court;

(b) May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW;

(c) May not have any convictions for a violation of any provision of Title 46 RCW; and

(d) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

NEW SECTION. Sec. 3. (1) A youth court agreement shall be a contract between a juvenile accused of a traffic infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, 3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and 46.63.110(6), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in section 2 of this act, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

NEW SECTION. Sec. 4. Youth courts provide a disposition method for cases involving juveniles alleged to have committed traffic infractions, in which participants, under the supervision of the court, may serve in various capacities within the youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youth courts have no jurisdiction except as provided for in this chapter. Youth courts are not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 5. The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

- (1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;
- (2) Target youth ages sixteen and seventeen who are alleged to have committed a traffic infraction; and
- (3) Emphasize the following principles:
 - (a) Youth must be held accountable for their problem behavior;
 - (b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;
 - (c) Youth must develop skills to resolve problems with their peers more effectively; and
 - (d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. Sec. 6. A court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the court. The fees collected under this section shall not constitute "certain costs" as defined in RCW 3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

Sec. 7. RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

- (1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;
- (2) Community-based sanctions may include one or more of the following:
 - (a) A fine, not to exceed five hundred dollars;
 - (b) Community service not to exceed one hundred fifty hours of service;
- (3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;
- (4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:
 - (a) Community-based sanctions;
 - (b) Community-based rehabilitation;
 - (c) Monitoring and reporting requirements;
 - (d) Posting of a probation bond;
- (5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

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

"Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 8. RCW 13.40.080 and 1999 c 91 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a ~~((diversionary))~~ diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by ~~((the))~~ any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the ~~((diversionary))~~ diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars ~~((-- In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed))~~;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of ~~((the))~~ any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 14 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the ~~((diversionary))~~ diversion unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diverttee.

(b) If additional time is necessary for the juvenile to complete restitution to ~~((the))~~ a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Diverttees and potential diverttees shall be afforded due process in all contacts with a ~~((diversionary))~~ diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diverttee may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diverttee;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diverttee has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the diverttee was diverted:

(i) In juvenile court if the diverttee is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the diverttee is eighteen years of age or older.

~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a diverttee of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((40))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the ~~((diversionary))~~ diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((41))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((42))~~ (13) A ~~((diversionary))~~ diversion unit may refuse to enter into a diversion agreement with a juvenile. When a ~~((diversionary))~~ diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The ~~((diversionary))~~ diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((43))~~ (14) A ~~((diversionary))~~ diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection ~~((shall))~~ includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a ~~((diversionary))~~ diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((44))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((45))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((46))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile

services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

NEW SECTION. Sec. 9. A new section is added to chapter 13.40 RCW to read as follows:
Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:
(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:
(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;
(b) Target offenders age eight through seventeen; and
(c) Emphasize the following principles:
(i) Youth must be held accountable for their problem behavior;
(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;
(iii) Youth must develop skills to resolve problems with their peers more effectively; and
(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.
(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

NEW SECTION. Sec. 11. A new section is added to chapter 13.40 RCW to read as follows:
(1) Youth courts have authority over juveniles ages eight through seventeen who:
(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;
(b) Admit they have committed the offense they are referred for;
(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and
(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.
(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.
(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.
(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.
(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 12. A new section is added to chapter 13.40 RCW to read as follows:
Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

NEW SECTION. Sec. 13. A new section is added to chapter 13.40 RCW to read as follows:
Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

NEW SECTION. Sec. 14. A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:

- (a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;
- (b) Providing periodic reports to the youth court;
- (c) Participating in mentoring programs;
- (d) Serving as a participant in future youth court proceedings;
- (e) Writing apology letters; or
- (f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

NEW SECTION. Sec. 15. A new section is added to chapter 13.40 RCW to read as follows:

A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

Sec. 16. RCW 9.94A.850 and 2000 c 28 s 41 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating

to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. **Sec. 17.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

- (1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;
- (2) Target violations of school rules by students enrolled in public or private school; and
- (3) Emphasize the following principles:
 - (a) Youth must be held accountable for their problem behavior;
 - (b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;
 - (c) Youth must develop skills to resolve problems with their peers more effectively; and
 - (d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

NEW SECTION. Sec. 18. A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in section 1 of this act or RCW 13.40.020 or a student court pursuant to section 17 of this act.

Sec. 19. RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 14 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

Sec. 20. RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may refer juveniles age sixteen or seventeen who are enrolled in school to a youth court, as defined in section 1 of this act or RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

NEW SECTION. Sec. 21. Sections 1 through 6 of this act constitute a new chapter in Title 3 RCW."

Correct the title.

Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Buck; Lisk; Pflug and Talcott.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Buck, Lisk, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5735 Prime Sponsor, Senator Gardner: Allowing motorcycles to have blue dot taillights. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Anderson, Armstrong, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representative Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 5748 Prime Sponsor, Senate Committee on Transportation: Integrating transportation and land use planning. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Haigh; Hatfield; Jackley; Jarrett; Lovick; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Sullivan and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Ericksen; Hankins; Holmquist; Mielke; Morell; Schindler; Skinner and Woods.

Voting Yea: Representatives Fisher, Cooper, Haigh, Hatfield, Jackley, Jarrett, Lovick, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan and Wood.

Voting Nay: Representatives Mitchell, Anderson, Ericksen, Hankins, Holmquist, Mielke, Morell, Schindler, Skinner and Woods.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 5777 Prime Sponsor, Senate Committee on Health & Long-Term Care: Permitting retired and disabled employees to obtain health insurance. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of this act to provide retirees of local government employers access to health care benefits. It is also the intent of this act that local government employers be allowed the flexibility to design programs to meet the health care needs of their retirees and that the local government employer be able to recover all costs associated with providing retirees access to health benefits.

NEW SECTION. Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Disabled employee" means an individual eligible to receive a disability retirement allowance from the public employees' retirement system.

(b) "Health plan" means a contract, policy, fund, trust, or other program established jointly or individually by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their dependents under RCW 41.04.180.

(c) "Retired employee" means a public employee meeting the retirement eligibility, years of service requirements, and other criteria set forth in the public employees' retirement system.

(2) A county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their dependents to continue participation in a plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to a county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their dependents of the participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW. Nothing in this subsection or this act precludes the local government employer from offering retired or disabled employees a health plan with a benefit structure, copayment, deductible, coinsurance, lifetime benefit maximum, and other plan features which differ from those offered through a health plan provided to active employees. Further, nothing in this subsection precludes a local government employer from joining with other public agency employers, including interjurisdictional benefit pools and multi-employer associations or consortiums, to fulfill its obligations under this act.

(3) A county, municipality, or other political subdivision has full authority to require a person who requests continued participation in a health plan under subsection (2) of this section to pay the full cost of such participation, including any amounts necessary for administration. However, this subsection does not require an employer who is currently paying for all or part of a health plan for its retired and disabled employees to discontinue those payments.

(4) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization is not required to accept individual payments from persons continuing participation in the employer's health plan.

(5) After an initial open enrollment period of ninety days after the effective date of this section, an employer may not be required to permit a person to continue participation in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer may not be required to permit a person to continue participation in the employer's health plan if the employer offered continued participation in a health plan that meets the requirements of this act.

(6) If a person continuing participation in the former employer's health plan has medical coverage available through another employer, the medical coverage of the other employer is the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(7) If a person's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that person is permitted to continue participation in the health plan for a period of not more than six months after the death of the retired or disabled employee. However, the employer providing the health plan may permit continued participation beyond that time period.

(8) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the

employer's health plan. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer the plan to the extent the terms and conditions do not conflict with this section.

(9) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit those persons to participate in any new health plan.

(10) The benefits granted under this section are not considered a matter of contractual right. Should the legislature, a county, municipality, or other political subdivision of the state revoke or change any benefits granted under this section, an affected person is not entitled to receive the benefits as a matter of contractual right.

(11) This section does not affect any health plan contained in a collective bargaining agreement in existence as of the effective date of this section. However, any plan contained in future collective bargaining agreements shall conform to this section. In addition, this section does not affect any health plan contract or policy in existence as of the effective date of this section. However, any renewal of the contract or policy shall conform to this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 41.04 RCW to read as follows:

Employers providing access to health insurance coverage under this act may adopt criteria which specify allowable enrollment periods, require enrollees to keep current addresses and information, and outline other processes to ensure that plans can be administered efficiently and effectively.

Sec. 4. RCW 41.05.050 and 1995 1st sp.s. c 6 s 22 and 1994 c 153 s 4 are each reenacted and amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, school district, educational service district, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, school district, educational service district, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups. Until October 1, 1995, contributions to be paid by school districts or educational service districts shall be adjusted by the authority to reflect the remittance provided under RCW 28A.400.400.

(2) If the authority at any time determines that the participation of a county, municipal, or other political subdivision covered under this chapter adversely impacts insurance rates for state employees, the authority shall implement limitations on the participation of additional county, municipal, or other political subdivisions.

(3) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

~~((3))~~ (4) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

NEW SECTION. **Sec. 5.** This act takes effect January 1, 2003. However, if a political subdivision is unable to structure a health plan to meet the requirements of this act by January 1, 2003, additional time of up to one year is allowed. All political subdivisions must implement this act by January 1, 2004."

Correct the title.

Signed by Representatives Sommers, Chairman; Sehlín, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi;

Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

2ESB 5872 Prime Sponsor, Senator Prentice: Modifying the multiple-unit property tax exemption.
Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.14.010 and 2000 c 242 s 1 are each amended to read as follows:

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

(1) "City" means either (a) a city or town with a population of at least ~~((fifty))~~ thirty thousand or (b) the largest city or town, if there is no city or town with a population of at least ~~((fifty))~~ thirty thousand, located in a county planning under the growth management act.

(2) "Governing authority" means the local legislative authority of a city having jurisdiction over the property for which an exemption may be applied for under this chapter.

(3) "Growth management act" means chapter 36.70A RCW.

(4) "Multiple-unit housing" means a building having four or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitated or conversion of vacant, underutilized, or substandard buildings to multifamily housing.

(5) "Owner" means the property owner of record.

(6) "Permanent residential occupancy" means multiunit housing that provides either rental or owner occupancy on a nontransient basis. This includes owner-occupied or rental accommodation that is leased for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

(7) "Rehabilitation improvements" means modifications to existing structures, that are vacant for twelve months or longer, that are made to achieve a condition of substantial compliance with existing building codes or modification to existing occupied structures which increase the number of multifamily housing units.

(8) "Residential targeted area" means an area within an urban center that has been designated by the governing authority as a residential targeted area in accordance with this chapter.

(9) "Substantial compliance" means compliance with local building or housing code requirements that are typically required for rehabilitation as opposed to new construction.

(10) "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:

(a) Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;

(b) Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and

(c) A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

Sec. 2. RCW 84.14.020 and 1999 c 132 s 1 are each amended to read as follows:

(1) The value of new housing construction, conversion, and rehabilitation improvements qualifying under this chapter is exempt from ad valorem property taxation, for ten successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate of tax exemption eligibility. However, the exemption does not include the value of land or

nonhousing-related improvements not qualifying under this chapter. When a local government adopts guidelines pursuant to RCW 84.14.030(2) and the qualifying dwelling units are each on separate parcels for the purpose of property taxation, the exemption may, at the local government's discretion, be limited to those dwelling units that meet the local guidelines.

(2) In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to the submission of the application required under this chapter. The incentive provided by this chapter is in addition to any other incentives, tax credits, grants, or other incentives provided by law.

(3) This chapter does not apply to increases in assessed valuation made by the assessor on nonqualifying portions of building and value of land nor to increases made by lawful order of a county board of equalization, the department of revenue, or a county, to a class of property throughout the county or specific area of the county to achieve the uniformity of assessment or appraisal required by law.

(4) At the conclusion of the ten-year exemption period, the new or rehabilitated housing cost shall be considered as new construction for the purposes of chapter 84.55 RCW.

Sec. 3. RCW 84.14.110 and 2001 c 185 s 1 are each amended to read as follows:

(1) If improvements have been exempted under this chapter, the improvements continue to be exempted and not be converted to another use for at least ten years from date of issuance of the certificate of tax exemption. If the owner intends to convert the multifamily development to another use, the owner shall notify the assessor within sixty days of the change in use. If, after a certificate of tax exemption has been filed with the county assessor the city or assessor or agent discovers that a portion of the property is changed or will be changed to a use that is other than residential or that housing or amenities no longer meet the requirements as previously approved or agreed upon by contract between the governing authority and the owner and that the multifamily housing, or a portion of the housing, no longer qualifies for the exemption, the tax exemption must be canceled and the following must occur:

(a) Additional real property tax must be imposed upon the value of the nonqualifying improvements in the amount that would normally be imposed, plus a penalty must be imposed amounting to twenty percent. This additional tax is calculated based upon the difference between the property tax paid and the property tax that would have been paid if it had included the value of the nonqualifying improvements dated back to the date that the improvements were converted to a nonmultifamily use;

(b) The tax must include interest upon the amounts of the additional tax at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the improvements had been assessed at a value without regard to this chapter; and

(c) The additional tax owed together with interest and penalty must become a lien on the land and attach at the time the property or portion of the property is removed from multifamily use or the amenities no longer meet applicable requirements, and has priority to and must be fully paid and satisfied before a recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes. An additional tax unpaid on its due date is delinquent. From the date of delinquency until paid, interest must be charged at the same rate applied by law to delinquent ad valorem property taxes.

(2) Upon a determination that a tax exemption is to be canceled for a reason stated in this section, the governing authority shall notify the record owner of the property as shown by the tax rolls by mail, return receipt requested, of the determination to cancel the exemption. The owner may appeal the determination to the governing authority within thirty days by filing a notice of appeal with the clerk of the governing authority, which notice must specify the factual and legal basis on which the determination of cancellation is alleged to be erroneous. The governing authority or a hearing examiner or other official authorized by the governing authority may hear the appeal. At the hearing, all affected parties may be heard and all competent evidence received. After the hearing, the deciding body or officer shall either affirm, modify, or repeal the decision of cancellation of exemption based on the evidence received. An aggrieved party may appeal the decision of the deciding body or officer to the superior court under RCW 34.05.510 through 34.05.598.

(3) Upon determination by the governing authority or authorized representative to terminate an exemption, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under RCW 84.40.080. The county assessor shall make such a valuation of the property and improvements as is necessary to permit the correction of the rolls. The value of the new housing construction, conversion, and rehabilitation improvements added to the rolls shall be considered as new construction for the purposes of chapter 84.55 RCW. The owner may appeal the valuation to the county board of equalization under chapter 84.48 RCW and according to the provisions of RCW 84.40.038. If there has been a failure to comply with this chapter, the property must be listed as an omitted assessment for assessment years beginning January 1 of the calendar year in which the noncompliance first occurred, but the listing as an omitted assessment may not be for a period more than three calendar years preceding the year in which the failure to comply was discovered."

Correct the title.

Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 5999 Prime Sponsor, Senator B. Sheldon: Modifying the telephone assistance program. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

E2SSB 6034 Prime Sponsor, Senate Committee on Ways & Means: Providing funding for wireless enhanced 911 services. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that statewide enhanced 911 has proven to be a lifesaving service and that routing a 911 call to the appropriate public safety answering point with a display of the caller's identification and location should be available for all users of telecommunications services, regardless of the technology used to make and transmit the 911 call. The legislature also finds that it is in the best public interest to ensure that there is adequate ongoing funding to support enhanced 911 service.

Sec. 2. RCW 38.52.010 and 1997 c 49 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Emergency management" or "comprehensive emergency management" means the preparation for and the carrying out of all emergency functions, other than functions for which the

military forces are primarily responsible, to mitigate, prepare for, respond to, and recover from emergencies and disasters, and to aid victims suffering from injury or damage, resulting from disasters caused by all hazards, whether natural, technological, or human caused, and to provide support for search and rescue operations for persons and property in distress. However, "emergency management" or "comprehensive emergency management" does not mean preparation for emergency evacuation or relocation of residents in anticipation of nuclear attack.

(2) "Local organization for emergency services or management" means an organization created in accordance with the provisions of this chapter by state or local authority to perform local emergency management functions.

(3) "Political subdivision" means any county, city or town.

(4) "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with a local emergency management organization or the department and holds an identification card issued by the local emergency management director or the department for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

(5) "Injury" as used in this chapter shall mean and include accidental injuries and/or occupational diseases arising out of emergency management activities.

(6)(a) "Emergency or disaster" as used in all sections of this chapter except RCW 38.52.430 shall mean an event or set of circumstances which: (i) Demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken community overtaken by such occurrences, or (ii) reaches such a dimension or degree of destructiveness as to warrant the governor declaring a state of emergency pursuant to RCW 43.06.010.

(b) "Emergency" as used in RCW 38.52.430 means an incident that requires a normal police, coroner, fire, rescue, emergency medical services, or utility response as a result of a violation of one of the statutes enumerated in RCW 38.52.430.

(7) "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. Nothing in this section shall affect appropriate activity by the department of transportation under chapter 47.68 RCW.

(8) "Executive head" and "executive heads" means the county executive in those charter counties with an elective office of county executive, however designated, and, in the case of other counties, the county legislative authority. In the case of cities and towns, it means the mayor in those cities and towns with mayor-council or commission forms of government, where the mayor is directly elected, and it means the city manager in those cities and towns with council manager forms of government. Cities and towns may also designate an executive head for the purposes of this chapter by ordinance.

(9) "Director" means the adjutant general.

(10) "Local director" means the director of a local organization of emergency management or emergency services.

(11) "Department" means the state military department.

(12) "Emergency response" as used in RCW 38.52.430 means a public agency's use of emergency services during an emergency or disaster as defined in subsection (6)(b) of this section.

(13) "Expense of an emergency response" as used in RCW 38.52.430 means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, but shall only include those costs directly arising from the response to the particular incident. Reasonable costs shall include the costs of providing police, coroner, fire fighting, rescue, emergency medical services, or utility response at the scene of the incident, as well as the salaries of the personnel responding to the incident.

(14) "Public agency" means the state, and a city, county, municipal corporation, district, town, or public authority located, in whole or in part, within this state which provides or may provide fire fighting, police, ambulance, medical, or other emergency services.

(15) "Incident command system" means: (a) An all-hazards, on-scene functional management system that establishes common standards in organization, terminology, and procedures; provides a means (unified command) for the establishment of a common set of incident objectives and strategies

during multiagency/multijurisdiction operations while maintaining individual agency/jurisdiction authority, responsibility, and accountability; and is a component of the national interagency incident management system; or (b) an equivalent and compatible all-hazards, on-scene functional management system.

(16) "Radio communications service company" has the meaning ascribed to it in RCW 82.14B.020.

Sec. 3. RCW 38.52.510 and 1991 c 54 s 3 are each amended to read as follows:

By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement district-wide, county-wide, or multicounty-wide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. In addition, each county shall implement wireless enhanced 911 service as soon as is practicable. The county shall provide funding for the enhanced 911 communication system in the county or district in an amount equal to the amount the maximum tax under RCW 82.14B.030 (1) and (2) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less. The state enhanced 911 coordination office established by RCW 38.52.520 shall assist and facilitate enhanced 911 implementation throughout the state.

Sec. 4. RCW 38.52.530 and 2000 c 34 s 1 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of fire fighters, the Washington state council of police officers, the Washington ambulance association, the state fire protection policy board, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, 2006.

Sec. 5. RCW 38.52.540 and 2001 c 128 s 2 are each amended to read as follows:

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise (~~(tax)~~) taxes imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system, for the implementation of wireless enhanced 911 statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(3) shall not be distributed to any county that has not imposed the maximum county enhanced 911 ((taxes)) tax allowed under RCW 82.14B.030(1) ((and (2))). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(4) shall not be distributed to any county that has not imposed the maximum county enhanced 911 tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

Sec. 6. RCW 38.52.550 and 1991 c 329 s 7 are each amended to read as follows:

A telecommunications company, or radio communications service company, providing emergency communications systems or services or a business or individual providing data base

information to emergency communication system personnel shall not be liable for civil damages caused by an act or omission of the company, business, or individual in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to a 911 or enhanced 911 emergency service; or

(2) Design, development, installation, maintenance, or provision of consolidated 911 or enhanced 911 emergency communication systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

NEW SECTION. Sec. 7. A new section is added to chapter 38.52 RCW to read as follows:

The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service companies to enhanced 911 emergency communications systems. These standards must not exceed the requirements set by the federal communications commission. The authority given to the state enhanced 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies.

Sec. 8. RCW 82.14B.020 and 1998 c 304 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Emergency services communication system" means a multicounty, countywide, or districtwide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2) "Enhanced 911 telephone system" means a public telephone system consisting of a network, data base, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

(3) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

(4) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

(5) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

(6) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers.

(7) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

(8) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.04.065(3).

(9) "Place of primary use" has the meaning ascribed to it in the federal mobile telecommunications sourcing act, P.L. 106-252.

Sec. 9. RCW 82.14B.030 and 1998 c 304 s 3 are each amended to read as follows:

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding fifty cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide

notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due.

(2) The legislative authority of a county may also impose a county enhanced 911 excise tax on the use of radio access lines whose place of primary use is located within the county in an amount not exceeding ~~((twenty-five))~~ fifty cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the subscribers who paid the tax. The ordinance shall further provide that to the extent the subscribers who paid the tax cannot be identified or located, the tax paid by those subscribers shall be returned to the county.

(3) A state enhanced 911 excise tax is imposed on all switched access lines in the state. The amount of tax shall not exceed twenty cents per month for each switched access line. The tax shall be uniform for each switched access line. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this subsection (3) is not subject to the taxes imposed under chapters 82.08 and 82.12 RCW or to any tax imposed by a local government.

(4) A state enhanced 911 excise tax is imposed on all radio access lines whose place of primary use is located within the state in an amount of twenty cents per month for each radio access line. The tax shall be uniform for each radio access line. The tax imposed under this subsection (4) shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this subsection (4) is not subject to the taxes imposed under chapters 82.08 and 82.12 RCW or to any tax imposed by a local government.

(5) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection (3) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

Sec. 10. RCW 82.14B.040 and 1998 c 304 s 4 are each amended to read as follows:

The state enhanced 911 tax and the county enhanced 911 tax on switched access lines shall be collected from the subscriber by the local exchange company providing the switched access line. The state enhanced 911 tax and the county 911 tax on radio access lines shall be collected from the subscriber by the radio communications service company providing the radio access line to the subscriber. The amount of the tax shall be stated separately on the billing statement which is sent to the subscriber.

Sec. 11. RCW 82.14B.042 and 2000 c 106 s 2 are each amended to read as follows:

(1) The state enhanced 911 excise ~~((tax))~~ taxes imposed by this chapter must be paid by the subscriber to the local exchange company providing the switched access line or the radio communications service company providing the radio access line, and each local exchange company and each radio communications service company shall collect from the subscriber the full amount of the ~~((tax))~~ taxes payable. The state enhanced 911 excise ~~((tax))~~ taxes required by this chapter to be collected by the local exchange company ~~((is))~~ or the radio communications service company are deemed to be held in trust by the local exchange company or the radio communications service company until paid to the department. Any local exchange company or radio communications service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company or radio communications service company fails to collect the state enhanced 911 excise tax or, after collecting the tax, fails to pay it to the department in the

manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the local exchange company or the radio communications service company is personally liable to the state for the amount of the tax, unless the local exchange company or the radio communications service company has taken from the buyer in good faith a properly executed resale certificate under RCW 82.14B.200.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, or to the department, constitutes a debt from the subscriber to the local exchange company or the radio communications service company. Any local exchange company or radio communications service company that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state enhanced 911 excise ~~((tax))~~ taxes required by this chapter to be collected by the local exchange company or the radio communications service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company or the radio communications service company the state enhanced 911 excise ~~((tax))~~ taxes imposed by this chapter and the local exchange company or the radio communications service company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the local exchange company or the radio communications service company, regardless of when the tax is collected by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec. 12. RCW 82.14B.061 and 2000 c 106 s 3 are each amended to read as follows:

(1) The department of revenue shall administer and shall adopt such rules as may be necessary to enforce and administer the state enhanced 911 excise ~~((tax))~~ taxes imposed by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state enhanced 911 excise ~~((tax))~~ taxes.

(2) The state enhanced 911 excise ~~((tax))~~ taxes imposed by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer shall remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year.

(4) The state enhanced 911 excise ~~((tax))~~ taxes imposed by this chapter ~~((is))~~ are in addition to any taxes imposed upon the same persons under chapters 82.08 and 82.12 RCW.

Sec. 13. RCW 82.14B.200 and 1998 c 304 s 10 are each amended to read as follows:

(1) Unless a local exchange company or a radio communications service company has taken from the buyer a resale certificate or equivalent document under RCW 82.04.470, the burden of proving that a sale of the use of a switched access ~~((lines [line]))~~ line or radio access line was not a sale to a subscriber is upon the person who made the sale.

(2) If a local exchange company or a radio communications service company does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the local exchange company or the radio communications service company remains liable for the tax as provided in RCW 82.14B.042, unless the local exchange company or the radio communications service company can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of the state enhanced 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state enhanced 911 excise taxes due but not paid as a result of the improper use of a resale certificate. This subsection does not prohibit or restrict the application of other penalties authorized by law.

NEW SECTION. Sec. 14. RCW 38.52.560 (Automatic number identification--Wireless two-way telecommunications service) and 1994 c 96 s 5 are each repealed.

NEW SECTION. **Sec. 15.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** This act takes effect January 1, 2003."

Correct the title.

Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6060 Prime Sponsor, Senate Committee on Ways & Means: Updating references for purposes of the hazardous substances tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6076 Prime Sponsor, Senate Committee on Judiciary: Modifying the powers and duties of fish and wildlife law enforcement officers. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Boldt and Lisk.

Voting Yea: Representatives Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Boldt and Lisk.

Excused: Representative Sommers.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6248 Prime Sponsor, Senate Committee on Transportation: Funding bicycle and pedestrian safety. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that bicycling and walking are becoming increasingly popular in Washington as clean and efficient modes of transportation, as recreational activities, and as organized sports. Future plans for the state's transportation system will require increased access and safety for bicycles and pedestrians on our common roadways, and federal transportation legislation and funding programs have created strong incentives to implement these changes quickly. As a result, many more people are likely to take up bicycling in Washington both as a leisure activity and as a convenient, inexpensive form of transportation. Bicyclists are more vulnerable to injury and accident than motorists, and both should be knowledgeable about traffic laws. Bicyclists should be highly visible and predictable when riding in traffic, and be encouraged to wear bicycle safety helmets. Hundreds of bicyclists and pedestrians are seriously injured every year in accidents, and millions of dollars are spent on health care costs associated with these accidents. There is clear evidence that organized training in the rules and techniques of safe and effective cycling can significantly reduce the incidence of serious injury and accidents, increase cooperation among road users, and significantly increase the incidence of bicycle helmet use, particularly among minors. A reduction in accidents benefits the entire community. Therefore, it is appropriate for businesses and community organizations to provide donations to bicycle and pedestrian safety training programs.

NEW SECTION. Sec. .2 A new section is added to chapter 46.04 RCW to read as follows:
"Cooper Jones Act license plate emblems" means emblems on valid Washington license plates that display the symbol of bicycle safety created in section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 46.16 RCW to read as follows:
In cooperation with the Washington state patrol and the department of licensing, the traffic safety commission shall create and design, and the department shall issue, Cooper Jones license plate emblems displaying a symbol of bicycle safety that may be used on motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. These license plate emblems will fund the Cooper Jones act and provide funding for bicyclist and pedestrian safety education, enforcement, and encouragement.

Any person may purchase Cooper Jones license plate emblems. The emblems are to be displayed on the vehicle license plates in the manner described by the department, existing vehicular licensing procedures, and current laws. The fee for Cooper Jones emblems shall be twenty-five dollars. The department shall deduct an amount not to exceed five dollars of each fee collected for Cooper Jones emblems for administration and collection expenses. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the proceeds to the bicycle and pedestrian safety account as established in RCW 43.59.150."

Correct the title.

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Ericksen; Haigh; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Hankins and Skinner.

Voting Yea: Representatives Fisher, Cooper, Ericksen, Haigh, Hatfield, Holmquist, Jackley, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sullivan, Wood and Woods.

Voting Nay: Representatives Mitchell, Anderson, Hankins and Skinner.

Excused: Representatives Armstrong, Edwards and Jarrett.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6282 Prime Sponsor, Senate Committee on Transportation: Allowing private motorcycle skills courses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Lovick, Mitchell, Ericksen, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sullivan, Wood and Woods.

Excused: Representatives Cooper, Anderson, Armstrong, Edwards, Haigh and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2002

ESB 6316 Prime Sponsor, Senator Kastama: Regulating electric personal assistive mobility devices.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.04 RCW to read as follows:

"Electric personal assistive mobility device" (EPAMD) means a self-balancing device with two wheels not in tandem, designed to transport only one person by an electric propulsion system with an average power of seven hundred fifty watts (one horsepower) having a maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator weighing one hundred seventy pounds, of less than twenty miles per hour.

Sec. 2. RCW 46.04.320 and 1961 c 12 s 46.04.320 are each amended to read as follows:

"Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. An electric personal assistive mobility device is not considered a motor vehicle.

Sec. 3. RCW 46.04.330 and 1990 c 250 s 20 are each amended to read as follows:

"Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and is designed to be steered with a handle bar, but excluding a farm tractor, an electric personal assistive mobility device, and a moped.

The Washington state patrol may approve of and define as a "motorcycle" a motor vehicle that fails to meet these specific criteria, but that is essentially similar in performance and application to motor vehicles that do meet these specific criteria.

Sec. 4. RCW 46.04.332 and 1979 ex.s. c 213 s 3 are each amended to read as follows:

"Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor ~~((which))~~ that produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft). A motor-driven cycle does not include a moped or an electric personal assistive mobility device.

Sec. 5. RCW 46.04.670 and 1994 c 262 s 2 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. The term does not include devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds shall not be considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles shall not be considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW. Electric personal assistive mobility devices are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

Sec. 6. RCW 46.20.500 and 1999 c 274 s 8 are each amended to read as follows:

(1) No person may drive a motorcycle or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device.

Sec. 7. RCW 46.61.710 and 1997 c 328 s 5 are each amended to read as follows:

(1) No person shall operate a moped upon the highways of this state unless the moped has been assigned a moped registration number and displays a moped permit in accordance with the provisions of RCW 46.16.630.

(2) Notwithstanding any other provision of law, a moped may not be operated on a bicycle path or trail, bikeway, equestrian trail, or hiking or recreational trail.

(3) Operation of a moped, electric personal assistive mobility device, or an electric-assisted bicycle on a fully controlled limited access highway ~~((or on a sidewalk))~~ is unlawful. Operation of a moped or an electric-assisted bicycle on a sidewalk is unlawful.

(4) Removal of any muffling device or pollution control device from a moped is unlawful.

(5) Subsections (1), (2), and (4) of this section do not apply to electric-assisted bicycles. Electric-assisted bicycles may have access to highways of the state to the same extent as bicycles. Electric-assisted bicycles may be operated on a multipurpose trail or bicycle lane, but local jurisdictions may restrict or otherwise limit the access of electric-assisted bicycles.

(6) A person operating an electric personal assistive mobility device (EPAMD) shall obey all speed limits and shall yield the right-of-way to pedestrians and human-powered devices at all times. An operator must also give an audible signal before overtaking and passing a pedestrian. Except for the limitations of this subsection, persons operating an EPAMD have all the rights and duties of a pedestrian.

(7) The use of an EPAMD may be regulated in the following circumstances:

(a) A municipality and the department of transportation may prohibit the operation of an EPAMD on public highways within their respective jurisdictions where the speed limit is greater than twenty-five miles per hour;

(b) A municipality may restrict the speed of an EPAMD in locations with congested pedestrian or nonmotorized traffic and where there is significant speed differential between pedestrians or nonmotorized traffic and EPAMD operators. The areas in this subsection must be designated by the city engineer or designee of the municipality. Municipalities shall not restrict the speed of an EPAMD in the entire community or in areas in which there is infrequent pedestrian traffic.

Sec. 8. RCW 35.75.020 and 1965 c 7 s 35.75.020 are each amended to read as follows:

It shall be unlawful for any person to lead, drive, ride, or propel any team, wagon, animal, or vehicle other than a bicycle, electric personal assistive mobility device, or similar vehicle upon and along any bicycle path constructed within or without the corporate limits of any city or town excepting at suitable crossings to be provided in the construction of such paths. Any person violating the provisions of this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 9. The legislature shall review the provisions of this act and make any necessary changes by July 1, 2005."

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Simpson.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Anderson, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Sullivan, Wood and Woods.

Voting Nay: Representative Simpson.

Excused: Representatives Armstrong, Edwards and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6337 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6337 Prime Sponsor, Senator Oke: Prohibiting tobacco product sampling. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6342 Prime Sponsor, Senate Committee on Ways & Means: Adopting the simplified sales and use tax administration act. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Nixon; Orcutt; Santos; Van Luven and Veloria.

MINORITY recommendation: Do not pass. Signed by Representatives Morris and Roach.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Nixon, Orcutt, Santos, Van Luven and Veloria.

Voting Nay: Representatives Morris and Roach.

Passed to Committee on Rules for second reading.

March 4, 2002

2SSB 6353 Prime Sponsor, Senate Committee on Ways & Means: Concerning the use of migratory bird stamp and migratory bird validation fees. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Natural Resources. (For committee amendment, see Journal, 46th, February 28, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Ruderman; Schual-Berke; Sehlin and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Cox; Lisk; Pflug and Talcott.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Cox, Lisk, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6359 Prime Sponsor, Senate Committee on Transportation: Penalizing failure to use required traction equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Haigh; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sullivan and Wood.

MINORITY recommendation: Without recommendation. Signed by Representatives Mitchell, Ranking Minority Member; Anderson; Ericksen; Hankins; Morell; Skinner and Woods.

Voting Yea: Representatives Fisher, Lovick, Haigh, Hatfield, Jackley, Jarrett, Mielke, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Sullivan and Wood.

Voting Nay: Representatives Mitchell, Anderson, Ericksen, Hankins, Morell, Skinner and Woods.

Excused: Representatives Cooper, Armstrong, Edwards and Holmquist.

Passed to Committee on Rules for second reading.

March 4, 2002

ESB 6380 Prime Sponsor, Senator Winsley: Creating new survivor benefit division options for divorced members of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, the public employees' retirement system, and the Washington state patrol retirement system. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.26.160 and 1999 c 134 s 2 are each amended to read as follows:

(1) In the event of the duty connected death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more service credit years of service, or who is on duty connected disability leave or retired for duty connected disability, the surviving spouse shall become entitled, subject to RCW 41.26.162(2), to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for duty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal

guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the duty connected death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for duty connected disability, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he or she was married at the time he or she was disabled, the surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's duty connected death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of the member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

Sec. 2. RCW 41.26.161 and 1999 c 134 s 3 are each amended to read as follows:

(1) In the event of the nonduty connected death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more service credit years of service, or who is on disability leave or retired, whether for nonduty connected disability or service, the surviving spouse shall become entitled, subject to RCW 41.26.162(2), to receive a monthly allowance equal to fifty percent of the final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of death if retired for service or nonduty connected disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more service credit years of service as provided in subsection (1) of this section or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), there shall be paid to the legal heirs of the member the excess, if any, of accumulated contributions of the member at the time of death over all payments made to survivors on his or her behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the

children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) of this section.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date.

Sec. 3. RCW 41.26.162 and 1991 sp.s. c 12 s 2 are each amended to read as follows:

(1)(a) An ex spouse of a law enforcement officers' and fire fighters' retirement system retiree shall qualify as surviving spouse under RCW 41.26.160 if the ex spouse:

~~((a))~~ (i) Has been provided benefits under any currently effective court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation entered after the member's retirement and prior to December 31, 1979; and

~~((b))~~ (ii) Was married to the retiree for at least thirty years, including at least twenty years prior to the member's retirement or separation from service if a vested member.

~~((2))~~ (b) If two or more persons are eligible for a surviving spouse benefit under this subsection, benefits shall be divided between the surviving spouses based on the percentage of total service credit the member accrued during each marriage.

~~((3))~~ (c) This ~~(section)~~ subsection shall apply retroactively.

(2)(a) An ex spouse of a law enforcement officers' and fire fighters' retirement system plan 1 retiree who:

(i) Divorces the member before separation from service; and

(ii) Entered into the court order or court-approved property settlement agreement incident to the divorce of the member and ex spouse after July 1, 2003; may be awarded a portion of the member's benefit and a portion of any spousal survivor's benefit pursuant to RCW 41.26.160 or 41.26.161 after the member's death if specified in the court order or court-approved property settlement.

(b) This subsection shall not apply retroactively.

NEW SECTION. Sec. 4. A new section is added to chapter 41.26 RCW under subchapter heading "plan 1" to read as follows:

(1) No later than July 1, 2003, the department shall adopt rules to allow a member who meets the criteria set forth in subsection (2) of this section to choose an actuarially equivalent benefit that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of a spouse ineligible for survivor benefits under RCW 41.26.160 or 41.26.161.

(2) To choose an actuarially equivalent benefit according to subsection (1) of this section, a member shall:

(a) Have the retirement allowance payable to the retiree not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670;

(b) Have no qualified ex spouse under RCW 41.26.162(1); and

(c) Choose an actuarially reduced benefit during a one-year period beginning one year after the date of marriage to the survivor benefit-ineligible spouse.

(3) A member who married a spouse ineligible for survivor benefits under RCW 41.26.160 or 41.26.161 prior to the effective date of the rules adopted under this section and satisfies the conditions of subsection (2)(a) and (b) of this section has one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(4) No benefit provided to a child survivor beneficiary under RCW 41.26.160 or 41.26.161 is affected or reduced by the member's selection of the actuarially reduced spousal survivor benefit provided by this section.

(5)(a) Any member who chose to receive a reduced retirement allowance under subsection (1) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection if:

(i) The retiree's survivor spouse designated in subsection (1) of this section predeceases the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree from the beginning of the month following the date of the beneficiary's death shall be increased by the following:

(i) One hundred percent multiplied by the result of (b)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor.

Sec. 5. RCW 41.50.670 and 1998 c 341 s 513 are each amended to read as follows:

(1) Nothing in this chapter regarding mandatory assignment of benefits to enforce a spousal maintenance obligation shall abridge the right of an obligee to direct payments of retirement benefits to satisfy a property division obligation ordered pursuant to a court decree of dissolution or legal separation or any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation as provided in RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.053, 41.26.162, 41.32.052, 41.35.100, 41.34.070(~~(43))~~ (4), 41.40.052, 43.43.310, or 26.09.138, as those statutes existed before July 1, 1987, and as those statutes exist on and after July 28, 1991. The department shall pay benefits under this chapter in a lump sum or as a portion of periodic retirement payments as expressly provided by the dissolution order. A dissolution order may not order the department to pay a periodic retirement payment or lump sum unless that payment is specifically authorized under the provisions of chapter 2.10, 2.12, 41.26, 41.32, 41.35, 41.34, 41.40, or 43.43 RCW, as applicable.

(2) The department shall pay directly to an obligee the amount of periodic retirement payments or lump sum payment, as appropriate, specified in the dissolution order if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states in the following form:

If (the obligor) receives periodic retirement payments as defined in RCW 41.50.500, the department of retirement systems shall pay to (the obligee) dollars from such payments or . . . percent of such payments. If the obligor's debt is expressed as a percentage of his or her periodic retirement payment and the obligee does not have a survivorship interest in the obligor's benefit, the amount received by the obligee shall be the percentage of the periodic retirement payment that the obligor would have received had he or she selected a standard allowance.

If (the obligor) requests or has requested a withdrawal of accumulated contributions as defined in RCW 41.50.500, or becomes eligible for a lump sum death benefit, the department of retirement systems shall pay to (the obligee) dollars plus interest at the rate paid by the department of retirement systems on member contributions. Such interest to accrue from the date of this order's entry with the court of record.

(3) This section does not require a member to select a standard allowance upon retirement nor does it require the department to recalculate the amount of a retiree's periodic retirement payment based on a change in survivor option.

(4) A court order under this section may not order the department to pay more than seventy-five percent of an obligor's periodic retirement payment to an obligee.

(5) Persons whose court decrees were entered between July 1, 1987, and July 28, 1991, shall also be entitled to receive direct payments of retirement benefits to satisfy court-ordered property divisions if the dissolution orders comply or are modified to comply with this section and RCW 41.50.680 through 41.50.720 and, as applicable, RCW 2.10.180, 2.12.090, 41.26.053, 41.32.052, 41.35.100, 41.34.070, 41.40.052, 43.43.310, and 26.09.138.

(6) The obligee must file a copy of the dissolution order with the department within ninety days of that order's entry with the court of record.

(7) A division of benefits pursuant to a dissolution order under this section shall be based upon the obligor's gross benefit prior to any deductions. If the department is required to withhold a portion of the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum of that amount plus the amount owed to the obligee exceeds the total benefit, the department shall satisfy the withholding requirements

under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee. The provisions of this subsection do not apply to amounts withheld pursuant to 26 U.S.C. Sec. 3402(i).

Sec. 6. RCW 41.50.700 and 1991 c 365 s 16 are each amended to read as follows:

(1) Except under subsection (3) of this section, the department's obligation to provide direct payment of a property division obligation to an obligee under RCW 41.50.670 shall cease upon the death of the obligee or upon the death of the obligor, whichever comes first. However, if an obligor dies and is eligible for a lump sum death benefit, the department shall be obligated to provide direct payment to the obligee of all or a portion of the withdrawal of accumulated contributions pursuant to a court order that complies with RCW 41.50.670.

(2) The direct payment of a property division obligation to an obligee under RCW 41.50.670 shall be paid as a deduction from the member's periodic retirement payment. An obligee may not direct the department to withhold any funds from such payment.

(3) The department's obligation to provide direct payment to a nonmember ex spouse from a preretirement divorce meeting the criteria of RCW 41.26.162(2) or 43.43.270(2) may continue for the life of the member's surviving spouse qualifying for benefits under RCW 41.26.160, 41.26.161, or 43.43.270(2). Upon the death of the member's surviving spouse qualifying for benefits under RCW 41.26.160, 41.26.161, or 43.43.270(2), the department's obligation under this subsection shall cease.

Sec. 7. RCW 41.26.460 and 2000 c 186 s 1 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.26.430 or disability retirement under RCW 41.26.470, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.26.530(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 41.26.430 and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 8. RCW 41.32.530 and 2000 c 186 s 2 are each amended to read as follows:

(1) Upon an application for retirement for service under RCW 41.32.480 or retirement for disability under RCW 41.32.550, approved by the department, every member shall receive the maximum retirement allowance available to him or her throughout life unless prior to the time the first installment thereof becomes due he or she has elected, by executing the proper application therefor, to receive the actuarial equivalent of his or her retirement allowance in reduced payments throughout his or her life with the following options:

(a) Standard allowance. If he or she dies before he or she has received the present value of his or her accumulated contributions at the time of his or her retirement in annuity payments, the unpaid balance shall be paid to his or her estate or to such person, trust, or organization as he or she shall have nominated by written designation executed and filed with the department.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person who has an insurable interest in the member's life. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) Such other benefits shall be paid to a member receiving a retirement allowance under RCW 41.32.497 as the member may designate for himself, herself, or others equal to the actuarial value of his or her retirement annuity at the time of his retirement: PROVIDED, That the board of trustees shall limit withdrawals of accumulated contributions to such sums as will not reduce the member's retirement allowance below one hundred and twenty dollars per month.

(d) A member whose retirement allowance is calculated under RCW 41.32.498 may also elect to receive a retirement allowance based on options available under this subsection that includes the benefit provided under RCW 41.32.770. This retirement allowance option shall also be calculated so as to be actuarially equivalent to the maximum retirement allowance and to the options available under this subsection.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.470 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.480(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The separate single life benefits of the member and the nonmember ex spouse are not (i) subject to the minimum benefit provisions of RCW 41.32.4851, or (ii) the minimum benefit annual increase amount eligibility provisions of RCW 41.32.489 (2)(b) and (3)(a).

(d) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 9. RCW 41.32.785 and 2000 c 186 s 4 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.765 or retirement for disability under RCW 41.32.790, a member shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married

and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. Such benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.32.815 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.765(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 10. RCW 41.32.851 and 2000 c 186 s 5 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.32.875 or retirement for disability under RCW 41.32.880, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. Upon the death of the retired member, all benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to such person or persons as the retiree shall have nominated by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and joint and fifty percent survivor option.

~~(2) ((A member, if married, must provide the written consent of his or her spouse to the option selected under this section. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section))~~ (a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty-percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements

of RCW 41.32.875(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.32.875(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) Any benefit distributed pursuant to chapter 41.31A RCW after the date of the dissolution order creating separate benefits for a member and nonmember ex spouse shall be paid solely to the member.

(d) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 11. RCW 41.35.220 and 2000 c 186 s 6 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.35.420 or 41.35.680 or retirement for disability under RCW 41.35.440 or 41.35.690, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. ~~((However,))~~

(i) For members of plan 2, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(ii) For members of plan 3, upon the death of the retired member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member of plan 2 who meets the length of service requirements of RCW 41.35.420, or a member of plan 3 who meets the length of service requirements of RCW 41.35.680(1), and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 41.35.420(1) for members of plan 2, or RCW 41.35.680(1) for members of plan 3, and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) Any benefit distributed pursuant to chapter 41.31A RCW after the date of the dissolution order creating separate benefits for a member and nonmember ex spouse shall be paid solely to the member.

(d) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 12. RCW 41.40.188 and 2000 c 186 s 7 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.180 or retirement for disability under RCW 41.40.210 or 41.40.230, a member shall elect to have the retirement allowance paid pursuant to one of the following options calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(c) A member may elect to include the benefit provided under RCW 41.40.640 along with the retirement options available under this section. This retirement allowance option shall be calculated so as to be actuarially equivalent to the options offered under this subsection.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.180(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent

requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.180(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The separate single life benefits of the member and the nonmember ex spouse are not (i) subject to the minimum benefit provisions of RCW 41.40.1984, or (ii) the minimum benefit annual increase amount eligibility provisions of RCW 41.40.197 (2)(b) and (3)(a).

(d) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 13. RCW 41.40.660 and 2000 c 186 s 8 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.630 or retirement for disability under RCW 41.40.670, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3)(a) Any member who retired before January 1, 1996, and who elected to receive a reduced retirement allowance under subsection (1)(b) or (2) of this section is entitled to receive a retirement allowance adjusted in accordance with (b) of this subsection, if they meet the following conditions:

(i) The retiree's designated beneficiary predeceases or has predeceased the retiree; and

(ii) The retiree provides to the department proper proof of the designated beneficiary's death.

(b) The retirement allowance payable to the retiree, as of July 1, 1998, or the date of the designated beneficiary's death, whichever comes last, shall be increased by the percentage derived in (c) of this subsection.

(c) The percentage increase shall be derived by the following:

(i) One hundred percent multiplied by the result of (c)(ii) of this subsection converted to a percent;

(ii) Subtract one from the reciprocal of the appropriate joint and survivor option factor;

(iii) The joint and survivor option factor shall be from the table in effect as of July 1, 1998.

(d) The adjustment under (b) of this subsection shall accrue from the beginning of the month following the date of the designated beneficiary's death or from July 1, 1998, whichever comes last.

(4) No later than July 1, 2001, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.720 and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.630(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) Any benefit distributed pursuant to chapter 41.31A RCW after the date of the dissolution order creating separate benefits for a member and nonmember ex spouse shall be paid solely to the member.

(d) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 14. RCW 41.40.845 and 2000 c 247 s 314 are each amended to read as follows:

(1) Upon retirement for service as prescribed in RCW 41.40.820 or retirement for disability under RCW 41.40.825, a member shall elect to have the retirement allowance paid pursuant to one of the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout such member's life. ~~((However, if the retiree dies before the total of the retirement allowance paid to such retiree equals the amount of such retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.))~~ Upon the death of the member, the member's benefits shall cease.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a person nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and the member's spouse do not give written consent to an option under this section, the department shall pay a joint and fifty percent survivor benefit calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) The department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted under this section and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2002, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted under this section and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(5) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who meets the length of service requirements of RCW 41.40.820(1) and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the age provided in RCW 41.40.820(1) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (4) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 15. RCW 43.43.270 and 2001 c 329 s 6 are each amended to read as follows:

For members commissioned prior to January 1, 2003:

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse shall be paid an allowance which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse shall continue as long as the spouse lives: PROVIDED, That if a surviving spouse who is receiving benefits under this subsection marries another member of this retirement system who subsequently predeceases such spouse, the spouse shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse of a retired member shall have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to the retired member at least two years prior to the member's death. The allowance paid to the lawful spouse may be divided with an ex spouse of the member by a dissolution order as defined in RCW 41.50.500(3) incident to a divorce occurring after July 1, 2002. The dissolution order must specifically divide both the member's benefit and any spousal survivor benefit, and must fully comply with RCW 41.50.670 and 41.50.700.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or the spouse should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or the spouse should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

Sec. 16. RCW 43.43.271 and 2001 c 329 s 5 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 or disability retirement under RCW 43.43.040, shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married, must provide the written consent of his or her spouse to the option selected under this section, except as provided in (b) of this subsection. If a member is married and both the member and member's spouse do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless spousal consent is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The spousal consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse from a postretirement marriage as a survivor during a one-year period beginning one year after the date of the postretirement marriage provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse be divided into two separate benefits payable over the life of each spouse.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried at the time of retirement remains subject to the spousal consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse if the nonmember ex spouse was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution."

On page 1, line 5 of the title, after "retirement system;" strike the remainder of the title and insert "amending RCW 41.26.160, 41.26.161, 41.26.162, 41.50.670, 41.50.700, 41.26.460, 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, 41.40.660, 41.40.845, 43.43.270, and 43.43.271; and adding a new section to chapter 41.26 RCW."

Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Clements.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representative Clements.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6400 Prime Sponsor, Senate Committee on Natural Resources, Parks & Shorelines: Developing a statewide biodiversity conservation strategy. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the state of Washington possesses a diversity of plants and animals in a diverse array of ecologically distinct regions. This biological diversity and its role in forming the diverse landscapes of the state are an important part of the high quality of life shared by all of the state's citizens and its visitors. By better understanding the variety and status of living organisms and the communities and ecosystems in which they occur, conservation efforts can be more effective in ensuring that this wealth of biological diversity is enjoyed by current and future generations.

The legislature further finds that extensive scientific work has been completed by both public and private entities to map the state's ecoregions and address ecoregional planning issues, by academic institutions, by state agencies such as the departments of natural resources and fish and wildlife, and by nongovernmental organizations such as the nature conservancy. However, these existing information sources are not complete, and this information may not be sufficiently coordinated or accessible and useful to the public or policymakers. Similarly, there is no single entity responsible for development and implementation of a coordinated state strategy to conserve remaining functioning ecosystems and restore habitats needed to maintain Washington's biodiversity. There should be a comprehensive review to identify the state's needs for biodiversity data and conservation, and to coordinate development, dissemination, and use of existing information.

There is also a need to strengthen the state's nonregulatory approaches to biodiversity conservation, including incentives for voluntary conservation efforts by private landowners. Incentives shall be a major element of the state's overall biodiversity conservation strategy.

The legislature further finds that resource management on a single-species or single-resource basis has proven to be costly, acrimonious, and ultimately ineffective at either preserving the state's biodiversity or allowing reasonable economic development.

Therefore, the purpose of this act is to create a temporary committee to develop recommendations to the governor and the legislature to establish the framework for the development and implementation of a statewide biodiversity conservation strategy, to replace existing single-species or single-resource protection programs.

NEW SECTION. Sec. 2. (1) The interagency committee for outdoor recreation is authorized to grant up to forty-five thousand dollars, on a competitive basis, to conduct the review of biodiversity programs as described in this section.

(2) The successful grantee must convene and facilitate a biodiversity conservation committee that will review existing biodiversity mapping and research programs in Washington conducted by state and federal agencies, nongovernmental organizations, and other entities, as well as reviewing programs and projects in other states.

(3) The biodiversity conservation committee must develop recommendations for a state biodiversity strategy that includes:

(a) Creation and composition of a standing public/private council to oversee design, development, and implementation of the strategy;

(b) Identification of a lead agency to support and facilitate development and implementation of a state biodiversity conservation plan;

(c) Methods to improve state agency and nongovernmental organization coordination and cooperation;

(d) Consistent definitions of the state's ecoregions and an integrated system of data management and mapping of the state's biodiversity;

(e) A review of Oregon's forest sustainability project and incorporation of key processes and criteria that are applicable in Washington;

(f) The state role for housing and administering biodiversity data and making the data accessible to local governments and others;

(g) A public education and outreach component that includes the production of a visual overview of Washington's ecoregions;

(h) Methods to ensure continuing stakeholder involvement;

- (i) Methods to provide technical assistance to support state and local government land management;
- (j) Identification of the time frames and funding needed to implement the strategy;
- (k) Identification and development of nonregulatory methods to preserve biodiversity, including incentives to conserve land with important biodiversity values. These methods shall focus on approaches such as landowner incentives and acquisition of conservation easements from willing landowners;
- (l) Recognition of the forests and fish program and other public-private efforts to identify and protect important fish and wildlife habitat;
- (m) Development of consistent, workable definitions for key terms that are currently undefined in this act, including the terms "biodiversity" and "ecosystem"; and
- (n) Review state policies and legal mechanisms that may affect biodiversity.
- (4) The purpose of the state biodiversity strategy is to develop and suggest implementation recommendations for an ongoing biodiversity conservation strategy to maintain Washington's biodiversity in perpetuity, within the context of human activities on the landscape, to prevent additional species from being listed as endangered or threatened, and to create a more predictable environment in which to conduct economic activities.
- (5) In carrying out the duties assigned in this section, the biodiversity conservation committee must recognize existing conservation commitments, including approved habitat conservation plans and other similar methods initiated by the legislature or a regulatory board, and focus on addressing conservation needs that have not already been addressed.
- (6) The successful grantee must invite representatives of the following groups to participate on the biodiversity conservation committee:
- (a) State agencies, including the departments of fish and wildlife, natural resources, and ecology, the Puget Sound action team, and the state salmon recovery office;
- (b) Federal land management and natural resource agencies;
- (c) Local governments;
- (d) Tribes;
- (e) Property owners, including forestry and agriculture;
- (f) Business, including land development;
- (g) Academia and research institutions; and
- (h) Conservation nongovernmental organizations.
- (7) The biodiversity conservation committee must choose a chair from among its members and adopt operating procedures.
- (8) The grant agreement must be conditioned to require that at least an amount of funding equal to the state grant be applied to the project from nonstate sources.
- (9) The grantee must provide a final report describing its review and recommendations to the governor and the appropriate standing committees of the senate and the house of representatives by October 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cox; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting Yea: Representatives Sommers, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6428 Prime Sponsor, Senate Committee on Judiciary: Providing for loss prevention review teams. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. (For committee amendment, see Journal, 47th Day, March 1, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin; Alexander; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Boldt.

Voting Yea: Representatives Lantz, Hurst, Dickerson, Esser, Jarrett, Lovick and Lysen.
Voting Nay: Representatives Carrell and Boldt.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6439 Prime Sponsor, Senate Committee on State & Local Government: Protecting certain domestic security records. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Select Committee on Community Security. (For committee amendment, see Journal, 46th Day, February 28, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6447 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Establishing a do not call list. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Technology, Telecommunications & Energy. (For committee amendment, see Journal, 47th Day, March 1, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Sehlin; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representative Lisk.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.
Voting Nay: Representative Lisk.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6461 Prime Sponsor, Senate Committee on Transportation: Strengthening procedures for disqualification of drinking or drugged commercial drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.25 RCW to read as follows:

All medical review officers or breath alcohol technicians hired by or under contract to a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 or to a consortium the carrier belongs to, as defined in 49 C.F.R. 382.17, shall report the finding of a commercial driver's confirmed positive drug or alcohol test to the department of licensing on a form provided by the department. Motor carriers, employers, or consortiums shall make it a written condition of their contract or agreement with a medical review officer or breath alcohol technician, regardless of the state where the medical review officer or breath alcohol technician is located, that the medical review officer or breath alcohol technician is required to report all Washington state licensed drivers who have a confirmed positive drug or alcohol test to the department of licensing within three business days of the confirmed test. Failure to obtain this contractual condition or agreement with the medical review officer or breath alcohol technician by the motor carrier, employer, or consortium will result in an administrative fine as provided in RCW 81.04.405. Substances obtained for testing may not be used for any purpose other than drug or alcohol testing under 49 C.F.R. 382.

NEW SECTION. Sec. 2. A new section is added to chapter 46.25 RCW to read as follows:

(1) When the department of licensing receives a report from a medical review officer or breath alcohol technician that the holder of a commercial driver's license has a confirmed positive drug or alcohol test, either as part of the testing program required by 49 C.F.R. 382 or as part of a preemployment drug test, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090(7) subject to a hearing as provided in this section. The department shall notify the person in writing of the disqualification by first class mail. The notice must explain the procedure for the person to request a hearing.

(2) A person disqualified from driving a commercial motor vehicle for having a confirmed positive drug or alcohol test may request a hearing to challenge the disqualification within twenty days from the date notice is given. If the request for a hearing is mailed, it must be postmarked within twenty days after the department has given notice of the disqualification.

(3) The hearing must be conducted in the county of the person's residence, except that the department may conduct all or part of the hearing by telephone or other electronic means.

(4) For the purposes of this section, the hearing must be limited to the following issues: (a) Whether the driver is the person who took the drug or alcohol test; (b) whether the motor carrier, employer, or consortium has a program that meets the federal requirements under 49 C.F.R. 382; and (c) whether the medical review officer or breath alcohol technician making the report accurately followed the protocols for testing established to certify the results. Evidence may be presented to demonstrate that the test results are a false positive. For the purpose of a hearing under this section, a copy of the positive test result with a declaration by the tester or medical review officer or breath alcohol technician stating the accuracy of the laboratory protocols followed to arrive at the test result is prima facie evidence of a confirmed positive drug or alcohol test result. After the hearing, the department shall order the disqualification of the person either be rescinded or sustained.

(5) If the person does not request a hearing within the twenty-day time limit, or if the person fails to appear at a hearing, the person has waived the right to a hearing and the department shall sustain the disqualification.

(6) A decision by the department disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation and the department receives no further report of a confirmed positive drug or alcohol test during the pendency of the hearing and appeal. If the disqualification is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of his or her residence to

review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

(7) The department of licensing may adopt rules specifying further requirements for requesting a hearing under this section.

(8) The department of licensing is not civilly liable for damage resulting from disqualifying a driver based on a confirmed positive drug or alcohol test result as required by this section or for damage resulting from release of this information that occurs in the normal course of business.

Sec. 3. RCW 46.25.090 and 1996 c 30 s 3 are each amended to read as follows:

(1) A person is disqualified from driving a commercial motor vehicle for a period of not less than one year if a report has been received by the department pursuant to RCW 46.25.120, or if the person has been convicted of a first violation, within this or any other jurisdiction, of:

(a) Driving a commercial motor vehicle under the influence of alcohol or any drug;

(b) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

(c) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(d) Using a commercial motor vehicle in the commission of a felony;

(e) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle.

If any of the violations set forth in this subsection occurred while transporting a hazardous material required to be identified by a placard, the person is disqualified for a period of not less than three years.

(2) A person is disqualified for life if it has been determined that the person has committed or has been convicted of two or more violations of any of the offenses specified in subsection (1) of this section, or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after October 1, 1989, may be considered in applying this subsection.

(3) The department may adopt rules, in accordance with federal regulations, establishing guidelines, including conditions, under which a disqualification for life under subsection (2) of this section may be reduced to a period of not less than ten years.

(4) A person is disqualified from driving a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined by chapter 69.50 RCW, or possession with intent to manufacture, distribute, or dispense a controlled substance, as defined by chapter 69.50 RCW.

(5) A person is disqualified from driving a commercial motor vehicle for a period of not less than sixty days if convicted of or found to have committed two serious traffic violations, or one hundred twenty days if convicted of or found to have committed three serious traffic violations, committed in a commercial motor vehicle arising from separate incidents occurring within a three-year period.

(6) A person is disqualified from driving a commercial motor vehicle for a period of:

(a) Not less than ninety days nor more than one year if convicted of or found to have committed a first violation of an out-of-service order while driving a commercial vehicle;

(b) Not less than one year nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed two violations of out-of-service orders while driving a commercial vehicle in separate incidents;

(c) Not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed three or more violations of out-of-service orders while driving commercial vehicles in separate incidents;

(d) Not less than one hundred eighty days nor more than two years if the person is convicted of or is found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Sec. 1801-1813), or while operating motor vehicles designed to transport sixteen or more passengers, including the driver. A person is disqualified for a period of not less than three years nor more than five years if, during a ten-year period, the person is convicted of or is found to have committed subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous

materials required to be placarded under the Hazardous Materials Transportation Act, or while operating motor vehicles designed to transport sixteen or more passengers, including the driver.

(7) A person is disqualified from driving a commercial motor vehicle if a report has been received by the department under section 2 of this act that the person has received a confirmed positive drug or alcohol test either as part of the testing program required by 49 C.F.R. 382 or 49 C.F.R. 40 or as part of a preemployment drug test. A disqualification under this subsection remains in effect until the person undergoes a drug and alcohol assessment by an agency certified by the department of social and health services and, if the person is classified as an alcoholic, drug addict, alcohol abuser, or drug abuser, until the person presents evidence of satisfactory participation in or successful completion of a drug or alcohol treatment program that has been certified by the department of social and health services under chapter 70.96A RCW and until the person has met the requirements of RCW 46.25.100. The agency making a drug and alcohol assessment under this section shall forward a diagnostic evaluation and treatment recommendation to the department of licensing for use in determining the person's eligibility for driving a commercial motor vehicle. Persons who are disqualified under this subsection more than twice in a five-year period are disqualified for life.

(8) Within ten days after suspending, revoking, or canceling a commercial driver's license, the department shall update its records to reflect that action. After suspending, revoking, or canceling a nonresident commercial driver's privileges, the department shall notify the licensing authority of the state that issued the commercial driver's license.

Sec. 4. RCW 46.25.100 and 1989 c 178 s 12 are each amended to read as follows:

When a person has been disqualified from operating a commercial motor vehicle, the person is not entitled to have the commercial driver's license restored until after the expiration of the appropriate disqualification period required under RCW 46.25.090 or until the department has received a drug and alcohol assessment and evidence is presented of satisfactory participation in or completion of any required drug or alcohol treatment program for ending the disqualification under RCW 46.25.090(7). After expiration of the appropriate period and upon payment of a requalification fee of twenty dollars, or one hundred fifty dollars if the person has been disqualified under RCW 46.25.090(7), the person may apply for a new, duplicate, or renewal commercial driver's license as provided by law. If the person has been disqualified for a period of one year or more, the person shall demonstrate that he or she meets the commercial driver's license qualification standards specified in RCW 46.25.060.

Sec. 5. RCW 46.25.120 and 1998 c 41 s 6 are each amended to read as follows:

(1) A person who drives a commercial motor vehicle within this state is deemed to have given consent, subject to RCW 46.61.506, to take a test or tests of that person's blood or breath for the purpose of determining that person's alcohol concentration or the presence of other drugs.

(2) A test or tests may be administered at the direction of a law enforcement officer, who after stopping or detaining the commercial motor vehicle driver, has probable cause to believe that driver was driving a commercial motor vehicle while having alcohol in his or her system.

(3) The law enforcement officer requesting the test under subsection (1) of this section shall warn the person requested to submit to the test that a refusal to submit will result in that person being disqualified from operating a commercial motor vehicle under RCW 46.25.090.

(4) If the person refuses testing, or submits to a test that discloses an alcohol concentration of 0.04 or more, the law enforcement officer shall submit a sworn report to the department certifying that the test was requested pursuant to subsection (1) of this section and that the person refused to submit to testing, or submitted to a test that disclosed an alcohol concentration of 0.04 or more.

(5) Upon receipt of the sworn report of a law enforcement officer under subsection (4) of this section, the department shall disqualify the driver from driving a commercial motor vehicle under RCW 46.25.090, subject to the hearing provisions of RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest. For the purposes of this section, the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle within this state while having alcohol in the person's system, whether the person refused to submit to the test or tests upon request of the officer after having been informed that the refusal would result in the disqualification of the person from driving a commercial motor vehicle, and, if the test was administered, whether the results indicated an alcohol concentration of 0.04 percent or more. The department shall order that the disqualification of the person either be rescinded or sustained. Any decision by the department

disqualifying a person from driving a commercial motor vehicle is stayed and does not take effect while a formal hearing is pending under this section or during the pendency of a subsequent appeal to superior court so long as there is no conviction for a moving violation or no finding that the person has committed a traffic infraction that is a moving violation during the pendency of the hearing and appeal. If the disqualification of the person is sustained after the hearing, the person who is disqualified may file a petition in the superior court of the county of arrest to review the final order of disqualification by the department in the manner provided in RCW 46.20.334.

(6) If a motor carrier or employer who is required to have a testing program under 49 C.F.R. 382 knows that a commercial driver in his or her employ has refused to submit to testing under this section and has not been disqualified from driving a commercial motor vehicle, the employer may notify law enforcement or his or her medical review officer or breath alcohol technician that the driver has refused to submit to the required testing.

(7) The hearing provisions of this section do not apply to those persons disqualified from driving a commercial motor vehicle under RCW 46.25.090(7)."

Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Anderson, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6462 Prime Sponsor, Senator Gardner: Regulating tests and permits for commercial driver's licensing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Haigh; Hankins; Hatfield; Holmquist; Jackley; Jarrett; Lovick; Mielke; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan; Wood and Woods.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Anderson, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Mielke, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6464 Prime Sponsor, Senate Committee on Transportation: Authorizing the creation of a city transportation authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Haigh; Hankins; Hatfield; Jackley; Jarrett; Lovick; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Simpson; Skinner; Sullivan; Wood and Woods.

MINORITY recommendation: Without recommendation. Signed by Representatives Holmquist; Mielke and Schindler.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Ericksen, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Simpson, Sullivan, Wood and Woods.

Voting Nay: Representatives Mielke and Schindler.

Excused: Representatives Anderson, Armstrong, Edwards, Haigh and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6473 Prime Sponsor, Senate Committee on Human Services & Corrections: Facilitating the convicted offender DNA data base. Reported by Committee on Appropriations

MINORITY recommendation: Do pass as amended by Committee on Criminal Justice & Corrections. (For committee amendment, see Journal, 47th Day, March 1, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6490 Prime Sponsor, Senate Committee on Ways & Means: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6497 Prime Sponsor, Senator T. Sheldon: Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6515 Prime Sponsor, Senate Committee on Education: Allowing the school district capital projects fund to provide for costs associated with implementing technology systems. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, 46th, February 28, 2002.) Signed by Representatives Murray, Chair; McIntire, Vice Chair; Alexander; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting Yea: Representatives Quall, Haigh, Talcott, Anderson, Cox, McDermott, Rockefeller, Santos, Schindler, Schmidt and Upthegrove.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6539 Prime Sponsor, Senator T. Sheldon: Implementing the federal mobile telecommunications sourcing act. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6571 Prime Sponsor, Senator Franklin: Providing fiscal impact statements for ballot measures. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on State Government. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Boldt; Lisk; Mastin; Pflug and Talcott.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Boldt, Lisk, Mastin, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 2, 2002

SB 6584 Prime Sponsor, Senator Thibaudeau: Authorizing the department of health to establish a fee for syphilis laboratory tests. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Clements; Cody; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Without recommendation. Signed by Representatives Lisk and Mastin.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Excused: Representatives Lisk and Mastin.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6594 Prime Sponsor, Senate Committee on Human Services & Corrections: Implementing the recommendations of the joint select committee on the equitable distribution of secure community transition facilities. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Appropriations and without amendment by Committee on Criminal Justice & Corrections.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to:

(1) Enable the legislature to act upon the recommendations of the joint select committee on the equitable distribution of secure community transition facilities established in section 225, chapter 12, Laws of 2001 2nd sp. sess.; and

(2) Harmonize the preemption provisions in RCW 71.09.250 with the preemption provisions applying to future secure community transition facilities to reflect the joint select committee's recommendation that the preemption granted for future secure community transition facilities be the same throughout the state.

Sec. 2. RCW 36.70A.200 and 2001 2nd sp.s. c 12 s 205 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education public facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than ~~((the deadline specified in RCW 36.70A.130))~~ September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities~~((;))~~ and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than ~~((the deadline specified in RCW 36.70A.130))~~ September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with section 7 of this act.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action.

NEW SECTION. Sec. 3. A new section is added to chapter 4.24 RCW to read as follows:

(1) Law enforcement shall respond to a call regarding a resident of a secure community transition facility as a high priority call.

(2) No law enforcement officer responding reasonably and in good faith to a call regarding a resident of a secure community transition facility shall be held liable nor shall the city or county employing the officer be held liable, in any cause of action for civil damages based on the acts of the resident or the actions of the officer during the response.

Sec. 4. RCW 71.09.020 and 2001 2nd sp.s. c 12 s 102 are each amended to read as follows:

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

(1) "Department" means the department of social and health services.

(2) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092.

(3) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(4) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(5) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of casual acquaintance with whom no substantial personal relationship exists.

(6) "Recent overt act" means any act or threat that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act.

(7) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, ~~(and)~~ public libraries, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

(8) "Secretary" means the secretary of social and health services or the secretary's designee.

(9) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

(10) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

(11) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by

forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

(12) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

(13) "Total confinement facility" means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

Sec. 5. RCW 71.09.285 and 2001 2nd sp.s. c 12 s 213 are each amended to read as follows:

(1) Except with respect to the secure community transition facility established pursuant to RCW 71.09.250, the secretary shall develop policy guidelines that balance the average response time of emergency services to the general area of a proposed secure community transition facility against the proximity of the proposed site to risk potential activities and facilities in existence at the time the site is listed for consideration.

(2) In ~~((balancing the competing criteria of proximity and response time the policy guidelines shall endeavor to achieve an average law enforcement response time not greater than five minutes and in))~~ no case shall the policy guidelines permit location of a facility adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a site is listed for consideration. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.

(3) The policy guidelines shall require that great weight be given to sites that are the farthest removed from any risk potential activity.

(4) The policy guidelines shall specify how distance from the location is measured and any variations in the measurement based on the size of the property within which a proposed facility is to be located.

(5) The policy guidelines shall establish a method to analyze and compare the criteria for each site in terms of public safety and security, site characteristics, and program components. In making a decision regarding a site following the analysis and comparison, the secretary shall give priority to public safety and security considerations. The analysis and comparison of the criteria are to be documented and made available at the public hearings prescribed in RCW 71.09.315.

(6) Policy guidelines adopted by the secretary under this section shall be considered by counties and cities when providing for the siting of secure community transition facilities as required under RCW 36.70A.200.

Sec. 6. RCW 71.09.305 and 2001 2nd sp.s. c 12 s 217 are each amended to read as follows:

(1) Unless otherwise ordered by the court:

(a) Residents of a secure community transition facility shall wear electronic monitoring devices at all times. To the extent that electronic monitoring devices that employ global positioning system technology are available and funds for this purpose are appropriated by the legislature, the department shall use these devices.

(b) At least one staff member, or other court-authorized and department-approved person must escort each resident when the resident leaves the secure community transition facility for appointments, employment, or other approved activities. Escorting persons must supervise the resident closely and maintain close proximity to the resident. The escort must immediately notify the department of any

serious violation, as defined in RCW 71.09.325, by the resident and must immediately notify law enforcement of any violation of law by the resident. The escort may not be a relative of the resident or a person with whom the resident has, or has had, a dating relationship as defined in RCW 26.50.010.

(2) Staff members of the special commitment center and any other total confinement facility and any secure community transition facility must be trained in self-defense and appropriate crisis responses including incident de-escalation. Prior to escorting a person outside of a facility, staff members must also have training in the offense pattern of the offender they are escorting. ~~((The escort may not be a relative of the resident.))~~

(3) Any escort must carry a cellular telephone or a similar device at all times when escorting a resident of a secure community transition facility.

(4) The department shall require training in offender pattern, self-defense, and incident response for all court-authorized escorts who are not employed by the department or the department of corrections.

NEW SECTION. Sec. 7. A new section is added to chapter 71.09 RCW to read as follows:
The minimum requirements set out in RCW 71.09.285 through 71.09.340 are minimum requirements to be applied by the department. Nothing in this section is intended to prevent a city or county from adopting development regulations, as defined in RCW 36.70A.030, unless the proposed regulation imposes requirements more restrictive than those specifically addressed in RCW 71.09.285 through 71.09.340. Regulations that impose requirements more restrictive than those specifically addressed in these sections are void. Nothing in these sections prevents the department from adding requirements to enhance public safety.

Sec. 8. RCW 71.09.255 and 2001 2nd sp.s. c 12 s 204 are each amended to read as follows:

(1) Upon receiving the notification required by RCW 71.09.250, counties must promptly notify the cities within the county of the maximum number of secure community transition facility beds that may be required and the projected number of beds to be needed in that county.

(2) The incentive grants and payments provided under this section are subject to the following provisions:

(a) Counties and the cities within the county must notify each other of siting plans to promote the establishment and equitable distribution of secure community transition facilities;

(b) Development regulations, ordinances, plans, laws, and criteria established for siting must be consistent with statutory requirements and rules applicable to siting and operating secure community transition facilities;

(c) The minimum size for any facility is three beds; and

(d) The department must approve any sites selected.

(3) Any county or city that makes a commitment to initiate the process to site one or more secure community transition facilities by ~~((February 1, 2002))~~ one hundred twenty days after the effective date of this act, shall receive a planning grant as proposed and approved by the department of community, trade, and economic development.

(4) Any county or city that has issued all necessary permits by May 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive an incentive grant in the amount of fifty thousand dollars for each bed sited.

(5) To encourage the rapid permitting of sites, any county or city that has issued all necessary permits by January 1, 2003, for one or more secure community transition facilities that comply with the requirements of this section shall receive a bonus in the amount of twenty percent of the amount provided under subsection (4) of this section.

(6) Any county or city that establishes secure community transition facility beds in excess of the maximum number that could be required to be sited in that county shall receive a bonus payment of one hundred thousand dollars for each bed established in excess of the maximum requirement.

(7) No payment shall be made under subsection (4), (5), or (6) of this section until all necessary permits have been issued.

(8) The funds available to counties and cities under this section are contingent upon funds being appropriated by the legislature.

NEW SECTION. Sec. 9. A new section is added to chapter 71.09 RCW to read as follows:

(1) After October 1, 2002, notwithstanding RCW 36.70A.103 or any other law, this section preempts and supersedes local plans, development regulations, permitting requirements, inspection requirements, and all other laws as necessary to enable the department to site, construct, renovate, occupy, and operate secure community transition facilities within the borders of the following:

(a) Any county that had five or more persons civilly committed from that county, or detained at the special commitment center under a pending civil commitment petition from that county where a finding of probable cause has been made, on April 1, 2001, if the department determines that the county has not met the requirements of RCW 36.70A.200 with respect to secure community transition facilities. This subsection does not apply to the county in which the secure community transition facility authorized under RCW 71.09.250(1) is located; and

(b) Any city located within a county listed in (a) of this subsection that the department determines has not met the requirements of RCW 36.70A.200 with respect to secure community transition facilities.

(2) The department's determination under subsection (1)(a) or (b) of this section is final and is not subject to appeal under chapter 34.05 or 36.70A RCW.

(3) When siting a facility in a county or city that has been preempted under this section, the department shall consider the policy guidelines established under RCW 71.09.275 and 71.09.290 and shall hold the hearings required in RCW 71.09.315.

(4) Nothing in this section prohibits the department from:

(a) Siting a secure community transition facility in a city or county that has complied with the requirements of RCW 36.70A.200 with respect to secure community transition facilities, including a city that is located within a county that has been preempted. If the department sites a secure community transition facility in such a city or county, the department shall use the process established by the city or county for siting such facilities; or

(b) Consulting with a city or county that has been preempted under this section regarding the siting of a secure community transition facility.

(5)(a) A preempted city or county may propose public safety measures specific to any finalist site to the department. The measures must be consistent with the location of the facility at that finalist site. The proposal must be made in writing by the date of:

(i) The second hearing under RCW 71.09.315(2)(a) when there are three finalist sites; or

(ii) The first hearing under RCW 71.09.315(2)(b) when there is only one site under consideration.

(b) The department shall respond to the city or county in writing within fifteen business days of receiving the proposed measures. The response shall address all proposed measures.

(c) If the city or county finds that the department's response is inadequate, the city or county may notify the department in writing within fifteen business days of the specific items which it finds inadequate. If the city or county does not notify the department of a finding that the response is inadequate within fifteen business days, the department's response shall be final.

(d) If the city or county notifies the department that it finds the response inadequate and the department does not revise its response to the satisfaction of the city or county within seven business days, the city or county may petition the governor to designate a person with law enforcement expertise to review the response under RCW 34.05.479.

(e) The governor's designee shall hear a petition filed under this subsection and shall make a determination within thirty days of hearing the petition. The governor's designee shall consider the department's response, and the effectiveness and cost of the proposed measures, in relation to the purposes of this chapter. The determination by the governor's designee shall be final and may not be the basis for any cause of action in civil court.

(f) The city or county shall bear the cost of the petition to the governor's designee. If the city or county prevails on all issues, the department shall reimburse the city or county costs incurred, as provided under chapter 34.05 RCW.

(g) Neither the department's consideration and response to public safety conditions proposed by a city or county nor the decision of the governor's designee shall affect the preemption under this section or the department's authority to site, construct, renovate, occupy, and operate the secure community transition facility at that finalist site or at any finalist site.

(6) Until June 30, 2009, the secretary shall site, construct, occupy, and operate a secure community transition facility sited under this section in an environmentally responsible manner that is consistent with the substantive objectives of chapter 43.21C RCW, and shall consult with the

department of ecology as appropriate in carrying out the planning, construction, and operations of the facility. The secretary shall make a threshold determination of whether a secure community transition facility sited under this section would have a probable significant, adverse environmental impact. If the secretary determines that the secure community transition facility has such an impact, the secretary shall prepare an environmental impact statement that meets the requirements of RCW 43.21C.030 and 43.21C.031 and the rules promulgated by the department of ecology relating to such statements. Nothing in this subsection shall be the basis for any civil cause of action or administrative appeal.

(7) This section does not apply to the secure community transition facility established pursuant to RCW 71.09.250(1).

NEW SECTION. Sec. 10. A new section is added to chapter 34.05 RCW to read as follows:

A petition brought pursuant to section 9(5) of this act shall be heard under the provisions of RCW 34.05.479 except that the decision of the governor's designee shall be final and is not subject to judicial review.

NEW SECTION. Sec. 11. A new section is added to chapter 71.09 RCW to read as follows:

An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under this chapter. To meet this emergency, for purposes of RCW 71.09.250 and section 9 of this act, "all other laws" means the state environmental policy act, the shoreline management act, the hydraulics code, and all other state laws regulating the protection and use of the water, land, and air.

This section expires June 30, 2009.

NEW SECTION. Sec. 12. A new section is added to chapter 43.21C RCW to read as follows:

An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

This section expires June 30, 2009.

NEW SECTION. Sec. 13. A new section is added to chapter 90.58 RCW to read as follows:

An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

This section expires June 30, 2009.

NEW SECTION. Sec. 14. A new section is added to chapter 77.55 RCW to read as follows:

An emergency has been caused by the need to expeditiously site facilities to house sexually violent predators who have been committed under chapter 71.09 RCW. To meet this emergency, secure community transition facilities sited pursuant to the preemption provisions of section 9 of this act and secure facilities sited pursuant to the preemption provisions of RCW 71.09.250 are not subject to the provisions of this chapter.

This section expires June 30, 2009.

Sec. 15. RCW 36.70A.103 and 2001 2nd sp.s. c 12 s 203 are each amended to read as follows:

State agencies shall comply with the local comprehensive plans and development regulations and amendments thereto adopted pursuant to this chapter except as otherwise provided in RCW 71.09.250 (1) through (3), section 9 of this act, and 72.09.333.

The provisions of chapter 12, Laws of 2001 2nd sp. sess. do not affect the state's authority to site any other essential public facility under RCW 36.70A.200 in conformance with local comprehensive plans and development regulations adopted pursuant to chapter 36.70A RCW.

NEW SECTION. Sec. 16. A new section is added to chapter 71.09 RCW to read as follows:

(1) At the request of the local government of the city or county in which a secure community transition facility is initially sited after January 1, 2002, the department shall enter into a long-term contract memorializing the agreements between the state and the city or county for the operation of the facility. This contract shall be separate from any contract regarding mitigation due to the facility. The contract shall include a clause that states:

(a) The contract does not obligate the state to continue operating any aspect of the civil commitment program under this chapter;

(b) The operation of any secure community transition facility is contingent upon sufficient appropriation by the legislature. If sufficient funds are not appropriated, the department is not obligated to operate the secure community transition facility and may close it; and

(c) This contract does not obligate the city or county to operate a secure community transition facility.

(2) Any city or county may, at their option, contract with the department to operate a secure community transition facility.

NEW SECTION. Sec. 17. A new section is added to chapter 71.09 RCW to read as follows:

(1) Subject to funds appropriated by the legislature, the department may enter into negotiation for a mitigation agreement with:

(a) The county and/or city in which a secure community transition facility sited after January 1, 2002, is located;

(b) Each community in which the persons from those facilities will reside or regularly spend time, pursuant to court orders, for regular work or education, or to receive social services, or through which the person or persons will regularly be transported to reach other communities; and

(c) Educational institutions in the communities identified in (a) and (b) of this subsection.

(2) Mitigation agreements are limited to the following:

(a) One-time training for local law enforcement and administrative staff, upon the establishment of a secure community transition facility.

(i) Training between local government staff and the department includes training in coordination, emergency procedures, program and facility information, legal requirements, and resident profiles.

(ii) Reimbursement for training under this subsection is limited to:

(A) The salaries or hourly wages and benefits of those persons who receive training directly from the department; and

(B) Costs associated with preparation for, and delivery of, training to the department or its contracted staff by local government staff or contractors;

(b) Information coordination:

(i) Information coordination includes data base infrastructure establishment and programming for the dissemination of information among law enforcement and the department related to facility residents.

(ii) Reimbursement for information coordination is limited to start-up costs;

(c) One-time capital costs:

(i) One-time capital costs are off-site costs associated with the need for increased security in specific locations.

(ii) Reimbursement for one-time capital costs is limited to actual costs; and

(d) Incident response:

(i) Incident response costs are law enforcement and criminal justice costs associated with violations of conditions of release or crimes by residents of the secure community transition facility.

(ii) Reimbursement for incident response does not include private causes of action.

NEW SECTION. Sec. 18. A new section is added to chapter 71.09 RCW to read as follows:

(1) To encourage economies of scale in the siting and operation of secure community transition facilities, the department may enter into an agreement with two or more counties to create a regional secure community transition facility. The agreement must clearly identify the number of beds from each county that will be contained in the regional secure community transition facility. The agreement must specify which county must contain the regional secure community transition facility and the facility must be sited accordingly. No county may withdraw from an agreement under this section

unless it has provided an alternative acceptable secure community transition facility to house any displaced residents that meets the criteria established for such facilities in this chapter and the guidelines established by the department.

(2) A regional secure community transition facility must meet the criteria established for secure community transition facilities in this chapter and the guidelines established by the department.

(3) The department shall count the beds identified for each participating county in a regional secure community transition facility against the maximum number of beds that could be required for each county under RCW 71.09.250(7)(a).

(4) An agreement for a regional secure community transition facility does not alter the maximum number of beds for purposes of the incentive grants under RCW 71.09.255 for the county containing the regional facility.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Sommers, Chairman; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; McIntire; Ruderman; Schual-Berke and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Lisk; Mastin; Pearson; Pflug and Talcott.

Voting Yea: Representatives Sommers, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, McIntire, Ruderman, Schual-Berke and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Boldt, Buck, Clements, Cox, Lisk, Mastin, Pearson, Pflug and Talcott.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6598 Prime Sponsor, Senate Committee on Education: Creating the Washington natural science and wildlife education partnership fund. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Effective, integrated natural science and wildlife education programs provide the foundation for the development of literate children and adults, setting the stage for lifelong learning. Furthermore, integrated natural science and wildlife education offers many opportunities for achieving excellence in our schools. Well-designed programs, integrated with the state's essential academic learning requirements, can contribute to the state's educational reform goals.

(2) Washington is fortunate to have institutions and programs that currently provide quality natural science and wildlife education and teacher training that is already integrated with the state's essential academic learning requirements.

(3) The legislature intends to further the development of natural science and wildlife education by establishing a competitive grant program, funded through state moneys to the extent those moneys are appropriated, for proven natural science and wildlife education programs that are fully integrated with the state's essential academic learning requirements.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300 RCW to read as follows:

The Washington natural science and wildlife education partnership fund is hereby created to provide natural science and wildlife education opportunities for teachers and students to help achieve the highest quality of excellence in education through compliance with the essential academic learning requirements. The fund shall be in the custody of the state treasurer. Revenues to the fund shall consist of appropriations made by the legislature. Expenditures from the fund shall be made by grants by the superintendent of public instruction. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the fund. The fund is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

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

(1) The natural science and wildlife education grant program is hereby created, subject to the availability of moneys appropriated by the legislature into the natural science and wildlife education partnership fund. The program is created to promote proven natural science and wildlife education programs that are fully integrated with the state's essential academic learning requirements.

(2) The superintendent of public instruction shall establish and publish funding criteria for natural science and wildlife education grants. These criteria shall be based on compliance with the essential academic learning requirements. The criteria must also include natural science and wildlife education programs with one or more of the following features:

(a) Methods that encourage critical thinking;

(b) Integrated, interdisciplinary approaches to natural science and wildlife conservation issues;

(c) Programs that target underserved, disadvantaged, and multicultural populations;

(d) Programs that reach out to schools across the state that would otherwise not have access to specialized natural science or wildlife conservation programs.

(3) Eligible uses of grants include, but are not limited to:

(a) Continuing in-service and preservice training for educators with materials specifically developed to enable educators to teach integrated essential academic learning requirements in a compelling and effective manner;

(b) Proven, innovative programs that teach integrated essential academic learning requirements, especially those that emphasize natural science and wildlife conservation and meet the needs of varying learning styles; and

(c) Support and equipment needed for the implementation of the programs in this section.

(4) Funds may only be disbursed to nonprofit organizations, as defined by the internal revenue service, that can provide matching funds or in-kind services.

(5) Funds may not be disbursed for any program that promotes or attempts to promote partisan or political activities."

Signed by Representatives Sommers, Chairman; Boldt; Cox; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pflug; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Sehlin, Ranking Minority Member; Alexander; Buck; Clements; Cody; Lisk and Pearson.

Voting Yea: Representatives Sommers, Boldt, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Sehlin, Alexander, Buck, Clements, Cox, Lisk and Pearson.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 6665 Prime Sponsor, Senate Committee on Transportation: Establishing cost-benefit criteria for SR 167. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chairman; Cooper, Vice Chairman; Mitchell, Ranking Minority Member; Anderson; Ericksen; Hankins; Hatfield; Holmquist; Jarrett; Lovick; Morell; Murray; Ogden; Reardon; Rockefeller; Romero; Schindler; Simpson; Skinner; Sullivan and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Mielke and Wood.

Voting Yea: Representatives Fisher, Cooper, Mitchell, Anderson, Ericksen, Haigh, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Lovick, Morell, Murray, Ogden, Reardon, Rockefeller, Romero, Schindler, Simpson, Skinner, Sullivan, Wood and Woods.

Voting Nay: Representative Mielke.

Excused: Representatives Armstrong and Edwards.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6721 Prime Sponsor, Senate Committee on Ways & Means: Authorizing the University of Washington and Washington State University to make financing arrangements for research facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the policy of the state to encourage basic and applied scientific research by the state's research universities. The creation of knowledge is a core mission of the state's research universities, and research provides teaching and learning opportunities for students and faculty. State of the art facilities for research by research universities serve to attract the most capable students and faculty to the state and research grants from public and private institutions throughout the world. The application of such research stimulates investment and employment within Washington and the strengthening of our tax base. In order to finance research facilities, the state's research universities often use federal, state, private, and university resources and therefore require the authority to enter into financing arrangements that leverage funding sources and reduce the costs of such complex facilities to the state.

NEW SECTION. Sec. 2. The University of Washington and Washington State University each may:

(1) Acquire, construct, rehabilitate, equip, and operate facilities and equipment to promote basic and applied research in the sciences;

(2) Borrow money for such research purposes, including interest during construction and other incidental costs, issue revenue bonds or other evidences of indebtedness, refinance the same before or at maturity, and provide for the amortization of such indebtedness by pledging all or a component of the fees and revenues of the university available for such purpose derived from the ownership and operation of any of its facilities or conducting research that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution;

(3) Enter into leases, with or without an option to purchase, of real and personal property to be used in basic and applied research in the sciences; and

(4) Lease all or a portion of such facilities and equipment as is deemed prudent by the university to provide for research conducted by persons or entities that are not part of the university but that provide rental income to support university research facilities or provide opportunities for the interaction of public and private research and research personnel, including students and faculty.

NEW SECTION. Sec. 3. The governing body of a university financing facilities and equipment under this chapter shall give due regard to the costs of maintaining and operating such facilities and equipment during the useful lives of the facilities and equipment. No state appropriated

funds may be used for the payment of maintenance and operation of the facilities and equipment financed under this chapter.

NEW SECTION. Sec. 4. The authority granted by this chapter is supplemental to any existing or future authority granted to the University of Washington and Washington State University and shall not be construed to limit the existing or future authority of these universities.

Sec. 5. RCW 28B.10.022 and 1989 c 356 s 6 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities, The Evergreen State College, and the state board for community and technical colleges (~~(education)~~), are severally authorized to enter into financing contracts as provided in chapter 39.94 RCW. Except as provided in this section, financing contracts shall be subject to the approval of the state finance committee. Except for facilities financed under chapter 28B.--- RCW (sections 1 through 4 of this act), the board of regents of a state university may enter into financing contracts which are payable solely from and secured by all or any component of the fees and revenues of the university derived from its ownership and operation of its facilities not subject to appropriation by the legislature and not constituting "general state revenues," as defined in Article VIII, section 1 of the state Constitution, without the prior approval of the state finance committee. The board of regents shall notify the state finance committee at least sixty days prior to entering into such contract and provide information relating to such contract as requested by the state finance committee.

Sec. 6. RCW 39.94.040 and 1998 c 291 s 5 are each amended to read as follows:

(1) Except as provided in RCW 28B.10.022 and chapter 28B.--- RCW (sections 1 through 4 of this act), the state may not enter into any financing contract for itself if the aggregate principal amount payable thereunder is greater than an amount to be established from time to time by the state finance committee or participate in a program providing for the issuance of certificates of participation, including any contract for credit enhancement, without the prior approval of the state finance committee. Except as provided in RCW 28B.10.022, the state finance committee shall approve the form of all financing contracts or a standard format for all financing contracts. The state finance committee also may:

(a) Consolidate existing or potential financing contracts into master financing contracts with respect to property acquired by one or more agencies, departments, instrumentalities of the state, the state board for community and technical colleges, or a state institution of higher learning; or to be acquired by an other agency;

(b) Approve programs providing for the issuance of certificates of participation in master financing contracts for the state or for other agencies;

(c) Enter into agreements with trustees relating to master financing contracts; and

(d) Make appropriate rules for the performance of its duties under this chapter.

(2) In the performance of its duties under this chapter, the state finance committee may consult with representatives from the department of general administration, the office of financial management, and the department of information services.

(3) With the approval of the state finance committee, the state also may enter into agreements with trustees relating to financing contracts and the issuance of certificates of participation.

(4) The state may not enter into any financing contract for real property of the state without prior approval of the legislature.

(5) The state may not enter into any financing contract on behalf of an other agency without the approval of such a financing contract by the governing body of the other agency.

NEW SECTION. Sec. 7. Before January 31st of each year, the University of Washington and Washington State University must report to the house of representatives capital budget committee and the senate ways and means committee on the financing arrangements entered into under authority of this chapter.

NEW SECTION. Sec. 8. Sections 1 through 4 and 7 of this act constitute a new chapter in Title 28B RCW."

Signed by Representatives Murray, Chairman; McIntire, Vice Chairman; Alexander, Ranking Minority Member; Bush; Casada; Chase; Esser; Hankins; Hunt; Lantz; O'Brien; Ogden; Reardon; Schoesler; Veloria and Woods.

Voting Yea: Representatives Murray, McIntire, Alexander, Bush, Casada, Chase, Esser, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Schoesler, Veloria and Woods.
Excused: Representative Armstrong.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6735 Prime Sponsor, Senate Committee on Labor, Commerce & Financial Institutions: Providing for direct deposit of unemployment compensation benefits. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendment, see Journal, 46th Day, February 28, 2002.) Signed by Representatives Sommers, Chair; Doumit, 1st Vice Chair; Fromhold, 2nd Vice Chair; Alexander; Boldt; Buck; Clements; Cody; Cox; Dunshee; Grant; Kagi; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; Pearson; Pflug; Ruderman; Schual-Berke; Sehlin; Talcott and Tokuda.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Clements, Cody, Cox, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Lisk, Mastin, McIntire, Pearson, Pflug, Ruderman, Schual-Berke, Talcott and Tokuda.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6748 Prime Sponsor, Senate Committee on Transportation: Revising vehicle impound and transfer procedures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.12.101 and 1998 c 203 s 11 are each amended to read as follows:

A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, the license plate number, or both, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department

must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.

Sec. 2. RCW 46.12.102 and 1984 c 39 s 2 are each amended to read as follows:

(1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

~~((1))~~ (a) When ~~((he))~~ the owner has made proper endorsement and delivery of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

~~((2))~~ (b) When ~~((he))~~ the owner has delivered to the department either ~~((the notice as provided in))~~ a properly filed report of sale that includes all of the information required in RCW 46.12.101(1) and is delivered to the department within five days of the sale of the vehicle excluding Saturdays, Sundays, and state and federal holidays, or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

(2) When a registered tow truck operator submits an abandoned vehicle report to the department for a vehicle sold at an abandoned vehicle auction, any previous owner is relieved of civil

or criminal liability for the operation of the vehicle, and liability is transferred to the purchaser of the vehicle as listed on the abandoned vehicle report.

Sec. 3. RCW 46.20.031 and 1999 c 6 s 7 are each amended to read as follows:

The department shall not issue a driver's license to a person:

- (1) Who is under the age of sixteen years;
- (2) Whose driving privilege has been withheld unless and until the department may authorize the driving privilege under RCW 46.20.311;
- (3) Who has been classified as an alcoholic, drug addict, alcohol abuser, or drug abuser by a program approved by the department of social and health services. The department may, however, issue a license if the person:
 - (a) Has been granted a deferred prosecution under chapter 10.05 RCW; or
 - (b) Is satisfactorily participating in or has successfully completed an alcohol or drug abuse treatment program approved by the department of social and health services and has established control of his or her alcohol or drug abuse problem;
- (4) Who has previously been adjudged to be mentally ill or insane, or to be incompetent due to a mental disability or disease. The department shall, however, issue a license to the person if he or she otherwise qualifies and:
 - (a) Has been restored to competency by the methods provided by law; or
 - (b) The superior court finds the person able to operate a motor vehicle with safety upon the highways during such incompetency;
- (5) Who has not passed the driver's licensing examination required by RCW 46.20.120 and 46.20.305, if applicable;
- (6) Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;
- (7) Who is unable to safely operate a motor vehicle upon the highways due to a physical or mental disability. The department's conclusion that a person is barred from licensing under this subsection must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction(~~;~~);
- ~~(8) Who has violated his or her written promise to appear, respond, or comply regarding a notice of infraction issued for abandonment of a vehicle in violation of RCW 46.55.105, unless:~~
 - ~~(a) The court has not notified the department of the violation;~~
 - ~~(b) The department has received notice from the court showing that the person has been found not to have committed the violation of RCW 46.55.105; or~~
 - ~~(c) The person has paid all monetary penalties owing, including completion of community service, and the court is satisfied that the person has made restitution as provided by RCW 46.55.105(2)).~~

Sec. 4. RCW 46.20.289 and 1999 c 274 s 1 are each amended to read as follows:

The department shall suspend all driving privileges of a person when the department receives notice from a court under RCW 46.63.070(~~((5))~~) ~~(6)~~, 46.63.110(5), or 46.64.025 that the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, other than for ~~((a notice of a violation of RCW 46.55.105 or))~~ a standing, stopping, or parking violation. A suspension under this section takes effect thirty days after the date the department mails notice of the suspension, and remains in effect until the department has received a certificate from the court showing that the case has been adjudicated, and until the person meets the requirements of RCW 46.20.311. In the case of failure to respond to a traffic infraction issued under RCW 46.55.105, the department shall suspend all driving privileges until the person provides evidence from the court that all penalties and restitution have been paid. A suspension under this section does not take effect if, prior to the effective date of the suspension, the department receives a certificate from the court showing that the case has been adjudicated.

Sec. 5. RCW 46.55.075 and 1999 c 398 s 3 are each amended to read as follows:

(1) The Washington state patrol shall provide by rule for a uniform impound authorization and inventory form. All law enforcement agencies must use this form for all vehicle impounds after June 30, 2001.

(2) By January 1, 2003, the Washington state patrol shall develop uniform impound procedures, which must include but are not limited to defining an impound and a visual inspection. Local law enforcement agencies shall adopt the procedures by July 1, 2003.

Sec. 6. RCW 46.55.085 and 1993 c 121 s 1 are each amended to read as follows:

(1) A law enforcement officer discovering an unauthorized vehicle left within a highway right of way shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

(a) The date and time the sticker was attached;
(b) The identity of the officer;
(c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; ~~((and))~~

(d) A statement that if the vehicle is not redeemed as provided in RCW 46.55.120, the registered owner will have committed the traffic infraction of littering--abandoned vehicle; and

(e) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety. A vehicle that does not pose a safety hazard may remain on the roadside for more than twenty-four hours if the owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

NEW SECTION. Sec. 7. The Washington state patrol and local law enforcement agencies shall convene a task force to consider the advantages and disadvantages of law enforcement agencies immediately transmitting, electronically or by facsimile, the impound authorization form to the impounding tow operator. The task force shall report its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2003.

NEW SECTION. Sec. 8. The department of licensing shall study the feasibility of requiring the seller of a vehicle to remove the vehicle's license plates at the time of the sale. The department shall specifically examine the fiscal impacts of implementing this proposal, the experiences of other states, and the advantages and disadvantages of this proposal. The department shall report its findings and recommendations to the house of representatives and senate transportation committees by January 1, 2003.

Sec. 9. RCW 46.55.100 and 1999 c 398 s 5 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports. A law enforcement agency, or a private communication center acting on behalf of a law enforcement agency, shall within six to twelve hours of the impoundment, provide to a requesting operator the name and address of the legal and registered owners of the vehicle, and the registered owner of any personal property registered or titled with the department that is attached to or contained in or on the impounded vehicle, the vehicle identification number, and any other necessary, pertinent information. The initial notice of impoundment shall be followed by a written or electronic facsimile notice within twenty-four hours. In the case of a vehicle from another state, time requirements of this subsection do not apply until the requesting law enforcement agency in this state receives the information.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle, and for any items of personal property registered or titled with the department, that are in the operator's possession after the one hundred twenty hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold that is not a suspended license impound. The owner notification and abandonment process shall be initiated by the registered

tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold that is not a suspended license impound is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fourteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle and any other items of personal property registered or titled with the department to the ~~((crime information center of the Washington state patrol))~~ department. The vehicle buyer information sent to the department on the abandoned vehicle report relieves the previous owner of the vehicle from any civil or criminal liability for the operation of the vehicle and transfers full liability for the vehicle to the buyer. By January 1, 2003, the department shall create a system enabling tow truck operators the option of sending the portion of the abandoned vehicle report that contains the vehicle's buyer information to the department electronically.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle and any other items of personal property registered or titled with the department to determine whether owner identification is within the vehicle.

(6) If the operator finds no owner identification, the operator shall immediately notify the appropriate law enforcement agency, which shall search the vehicle and any other items of personal property registered or titled with the department for the vehicle identification number or other appropriate identification numbers and check the necessary records to determine the vehicle's or other property's owners.

Sec. 10. RCW 46.55.105 and 1999 c 86 s 5 are each amended to read as follows:

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of ~~((a))~~ the traffic infraction of "littering--abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101(1) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103. In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070~~((5))~~ (6), a

traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

Sec. 11. RCW 46.55.110 and 1999 c 398 s 6 are each amended to read as follows:

(1) When an unauthorized vehicle is impounded, the impounding towing operator shall notify the legal and registered owners of the impoundment of the unauthorized vehicle and the owners of any other items of personal property registered or titled with the department. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, and the owners of any other items of personal property registered or titled with the department, as provided by the law enforcement agency, and shall inform the owners of the identity of the person or agency authorizing the impound. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In addition, if a suspended license impound has been ordered, the notice must state the length of the impound, the requirement of the posting of a security deposit to ensure payment of the costs of removal, towing, and storage, notification that if the security deposit is not posted the vehicle will immediately be processed and sold at auction as an abandoned vehicle, and the requirements set out in RCW 46.55.120(1)(b) regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

(3) In the case of an abandoned vehicle, or other item of personal property registered or titled with the department, within twenty-four hours after receiving information on the owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners and of the penalties for the traffic infraction littering--abandoned vehicle.

(4) If the date on which a notice required by subsection (3) of this section is to be mailed falls upon a Saturday, Sunday, or a postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.

(5) No notices need be sent to the legal or registered owners of an impounded vehicle or other item of personal property registered or titled with the department, if the vehicle or personal property has been redeemed.

Sec. 12. RCW 46.55.130 and 2000 c 193 s 2 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(3) to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, or a suspended license impound has been directed, but no security paid under RCW 46.55.120, then the registered tow truck operator having custody of the vehicle shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days and no more than ten days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form and shall include the name, address, and telephone number of each such bidder;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The successful bidder shall apply for title within fifteen days;

(g) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(h) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record as determined by the department within one year from the date of the auction, the surplus moneys shall be remitted to such owner;

(i) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within forty-five days, sell the vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) A tow truck operator may refuse to accept a bid at an abandoned vehicle auction under this section for any reason in the operator's posted operating procedures and for any of the following reasons: (a) The bidder is currently indebted to the operator; (b) the operator has knowledge that the bidder has previously abandoned vehicles purchased at auction; or (c) the bidder has purchased, at auction, more than four vehicles in the last calendar year without obtaining title to any or all of the vehicles. In no case may an operator hold a vehicle for longer than ninety days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

(4)(a) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(3).

(b) The failure of the registered tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available. However, storage charges begin to accrue again on the date the correct and complete information is provided to the department by the registered tow truck operator.

Sec. 13. RCW 46.55.230 and 2001 c 139 s 3 are each amended to read as follows:

(1)(a) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70.95.240, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle. The person making the inspection shall record the make and vehicle identification number or license number of the vehicle if available, and shall also verify that the approximate value of the junk vehicle is equivalent only to the approximate value of the ~~((scrap in it))~~ parts.

(b) A tow truck operator may authorize the disposal of an abandoned junk vehicle if the vehicle has been abandoned two or more times, the registered ownership information has not changed since the first abandonment, and the registered owner is also the legal owner.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall mail a notice to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to arrange for the removal of the vehicle.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner may immediately dispose of the vehicle or sign an affidavit of sale to be used as a title document.

(6) It is a gross misdemeanor for a person to abandon a junk vehicle on property. If a junk vehicle is abandoned, the vehicle's registered owner shall also pay a cleanup restitution payment equal to twice the costs incurred in the removal of the junk vehicle. The court shall distribute one-half of the restitution payment to the landowner of the property upon which the junk vehicle is located, and one-half of the restitution payment to the law enforcement agency or jurisdictional health department investigating the incident.

(7) For the purposes of this section, the term "landowner" includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

(8) A person complying in good faith with the requirements of this section is immune from any liability arising out of an action taken or omission made in the compliance.

Sec. 14. RCW 46.63.030 and 1995 c 219 s 5 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed; or

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the registered owner of the vehicle. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 15. RCW 46.63.110 and 2001 c 289 s 2 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of RCW 46.55.105(2) is two hundred fifty dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

~~((3))~~ (4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or

resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

~~((4))~~ (5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

~~((5))~~ (6) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and the penalty provided in subsection ~~((3))~~ (4) of this section has been paid.

~~((6))~~ (7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed a fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040.

~~((7))~~ (8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 shall be assessed an additional penalty of ten dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a community service program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection ~~((7))~~ (8) by participation in the community service program.

(b) Revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited as provided in RCW 43.08.250. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060."

Signed by Representatives Fisher, Chairman; Lovick, Vice Chairman; Mitchell, Ranking Minority Member; Haigh; Hatfield; Holmquist; Jackley; Jarrett; Morell; Murray; Ogden; Rockefeller; Romero; Schindler; Simpson; Sullivan; Wood and Woods.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Mielke.

Voting Yea: Representatives Fisher, Lovick, Mitchell, Ericksen, Hankins, Hatfield, Holmquist, Jackley, Jarrett, Morell, Murray, Ogden, Rockefeller, Romero, Schindler, Sullivan, Wood and Woods.

Voting Nay: Representative Mielke.

Excused: Representatives Cooper, Anderson, Armstrong, Edwards, Haigh, Reardon, Simpson and Skinner.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6763 Prime Sponsor, Senator Costa: Creating a task force on services for crime victims. Reported by Committee on Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.31 RCW to read as follows:

(1) There is created the Washington state task force on funding for community-based services to victims of crime.

- (2) The task force shall consist of the following members:
 - (a) The director of the office of community development, or the director's designee;
 - (b) The secretary of the department of social and health services, or the secretary's designee;
 - (c) The director of the department of labor and industries, or the director's designee;
 - (d) At least eleven, but not more than fifteen, additional members, selected by the director of the office of community development, including: At least one representative each of community-based organizations that focus on providing services to homicide survivors, assault victims (other than sexual assault and domestic violence), robbery victims, child abuse victims, and victims of drunk and drugged drivers (vehicular assault and vehicular homicide); one representative of organizations that provide services primarily to domestic violence victims; one representative of organizations providing services primarily to sexual assault victims; one representative of programs that provide services to victims who are deaf, blind, or otherwise disabled; one representative of organizations that provide services solely for victims to whom English is a second language; one representative of victim service programs administered by law enforcement agencies; and one representative of victim/witness assistance programs administered by county prosecuting attorneys;
 - (e) Four legislators, two from the senate to be chosen by the president of the senate and two from the house of representatives to be chosen by the speaker of the house of representatives. Not more than one member from each chamber may be a member of the largest political party caucus.
- (3) The task force shall be chaired by the director of the office of community development, or the director's designee.
- (4) The task force shall carry out the following activities:
 - (a) Measure and evaluate the progress of the state in providing funding to community-based programs that provide services to victims of crime, especially the underserved victim populations identified as: Homicide survivors, physical assault victims (nondomestic violence and nonsexual assault related), robbery victims, child abuse victims, vehicular assault and homicide victims and survivors, and victims of property crimes;
 - (b) Identify available federal, state, and local programs that provide services to underserved victims as defined in (a) of this subsection;
 - (c) Identify federal and private funds, including funds from foundations and other nonprofit organizations, that may be available for community-based programs that provide services to crime victims;
 - (d) Make recommendations on methods to provide a cost-effective coordinated system of support and assistance to persons who are victims of crime;
 - (e) Make recommendations on funding necessary to provide appropriate services to the underserved victims, with recommendations on revenue sources; and
 - (f) Identify statutory and administrative barriers to improving the delivery of cost-effective and coordinated services to crime victims.
- (5) State and local government agencies that participate in the delivery of services to crime victims shall, upon request, provide information and technical assistance to the task force, within existing funds.
- (6) The task force shall report its findings and recommendations to the governor and the legislature by November 30, 2002.
- (7) The office of community development shall provide necessary administrative and clerical support to the task force.
- (8) The members of the task force shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.
- (9) The task force expires March 1, 2003.
- (10) This section expires March 1, 2003."

Correct the title.

Signed by Representatives Sommers, Chairman; Sehlin, Ranking Minority Member; Alexander; Boldt; Buck; Cody; Doumit; Dunshee; Fromhold; Grant; Kagi; Kenney; Kessler; Linville; Mastin; McIntire; Pearson; Ruderman; Schual-Berke; Talcott and Tokuda.

MINORITY recommendation: Do not pass. Signed by Representatives Clements; Cox; Lisk and Pflug.

Voting Yea: Representatives Sommers, Sehlin, Alexander, Boldt, Buck, Cody, Doumit, Dunshee, Fromhold, Grant, Kagi, Kenney, Kessler, Linville, Mastin, McIntire, Pearson, Ruderman, Schual-Berke, Talcott and Tokuda.

Voting Nay: Representatives Clements, Cox, Lisk and Pflug.

Passed to Committee on Rules for second reading.

March 4, 2002

SSB 6787 Prime Sponsor, Senate Committee on Ways & Means: Exempting organ procurement organizations from taxation. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Gombosky, Chairman; Berkey, Vice Chairman; Cairnes, Ranking Minority Member; Conway; Morris; Nixon; Orcutt; Roach; Santos; Van Luven and Veloria.

Voting Yea: Representatives Gombosky, Berkey, Cairnes, Conway, Morris, Nixon, Orcutt, Roach, Santos, Van Luven and Veloria.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:00 a.m., March 5, 2002, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTIETH DAY, MARCH 4, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 5, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Richard Ruoff and Ashley Mastin. The Speaker (Representative Lovick) led the Chamber in the Pledge of Allegiance. Prayer was offered by Father Kitty Milne, former City Council Member and Mayor of Burien.

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

There being no objection, Senate Bill No. 6538 was removed from the second reading suspension calendar and placed on the second reading calendar.

The Speaker assumed the chair.

SECOND READING

ENGROSSED SENATE BILL NO. 6232, by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon

Revising crimes relating to possession of ammonia.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

MOTIONS

On motion of Representative Woods, Representatives Armstrong and Talcott were excused. On motion of Representative Santos, Representative Edwards was excused.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6232, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6232, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Armstrong, Edwards, and Talcott - 3.

Engrossed Senate Bill No. 6232, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Senate Bill No. 6232.
JEANNE EDWARDS, 1st District

SUBSTITUTE SENATE BILL NO. 6240, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Franklin, Shin, Kline, Regala, Prentice and Costa)

Clarifying the procedure for providing offenders with a certificate of discharge.

The bill was read the second time.

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

Representative O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6240.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6240 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 2, Not Voting - 1.

Voting yea: Representatives Ballasiotes, Benson, Berkey, Boldt, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, Dickerson, Doumit, Dunshee, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Voloria, Wood, Woods, and Mr. Speaker - 73.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Buck, Bush, Carrell, Chandler, Cox, DeBolt, Delvin, Dunn, Esser, Holmquist, Lisk, McMorris, Pflug, Roach, Schoesler, Sehlin, and Van Luven - 22.

Excused: Representatives Armstrong, and Edwards - 2.

Not Voting: Representative Sump - 1.

Substitute Senate Bill No. 6240, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6240.

BOB SUMP, 7th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6240.

JOYCE MULLIKEN, 13th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6240.

LYNN SCHINDLER, 4th District

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on Substitute Senate Bill No. 6240.

JEANNE EDWARDS, 1st District

SUBSTITUTE SENATE BILL NO. 6313, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senator Oke)

Providing for the retrieval of derelict fishing gear.

The bill was read the second time.

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

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6313.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6313 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Substitute Senate Bill No. 6313, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6324, by Senators Gardner, Horn, T. Sheldon, Roach, McCaslin, Winsley and Hale; by request of Secretary of State

Directing a statewide voter registration data base.

The bill was read the second time.

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

Representative Romero spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6324.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6324 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Senate Bill No. 6324, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted on Senate Bill No. 6324.

JEANNE EDWARDS, 1st District

ENGROSSED SUBSTITUTE SENATE BILL NO. 6326, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice and Winsley)

Filing reports with the insurance commissioner.

The bill was read the second time.

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

Representatives Cooper and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6326 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Engrossed Substitute Senate Bill No. 6326, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted on Engrossed Substitute Senate Bill No. 6326.

JEANNE EDWARDS, 1st District

SENATE BILL NO. 6328, by Senators Parlette, Gardner, Hale, Honeyford, Rasmussen and Oke

Changing the definition of cherry harvest temporary labor camp.

The bill was read the second time.

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

Representatives Clements and Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6328.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6328 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Senate Bill No. 6328, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Senate Bill No. 6328.

JEANNE EDWARDS, 1st District

SUBSTITUTE SENATE BILL NO. 6364, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Winsley, Prentice, Hargrove, Fairley, Kastama and Rasmussen)

Implementing recommendations of the joint legislative task force on mobile/manufactured home alteration and repair.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Hunt and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6364, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6364, as amended by the House and the bill passed the House by the following vote: Yeas - 73, Nays - 23, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Haigh, Hankins, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 73.

Voting nay: Representatives Alexander, Ballard, Boldt, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Grant, Hatfield, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Roach, Schindler, Schoesler, Skinner, and Sump - 23.

Excused: Representatives Armstrong, and Edwards - 2.

Substitute Senate Bill No. 6364, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute Senate Bill No. 6364.

JEANNE EDWARDS, 1st District

SUBSTITUTE SENATE BILL NO. 6389, by Senate Committee on Education (originally sponsored by Senators Benton, McAuliffe, Hewitt, Swecker, Roach, Morton, Haugen, Long, Stevens, McCaslin, Johnson, Snyder, Honeyford, Sheahan, Rossi, Rasmussen, Eide, Hale and Oke)

Authorizing placement of United States flags on school buses.

The bill was read the second time.

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

Representatives Quall and Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6389.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6389 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Substitute Senate Bill No. 6389, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute Senate Bill No. 6389.

JEANNE EDWARDS, 1st District

SENATE BILL NO. 6401, by Senators Kline, Costa, Long, Fairley, Thibaudeau and Kohl-Welles

Standardizing references to county clerks.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6401.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6401 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn,

Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Senate Bill No. 6401, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Senate Bill No. 6401.

JEANNE EDWARDS, 1st District

SENATE BILL NO. 6408, by Senators Costa, Hargrove, Long, Kline, Zarelli, Johnson, Rasmussen and Oke

Restoring sex offender registration for nonfelony communication with a minor convictions.

The bill was read the second time.

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

Representatives O'Brien and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6408.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6408 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and Edwards - 2.

Senate Bill No. 6408, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Senate Bill No. 6408.

JEANNE EDWARDS, 1st District

SENATE BILL NO. 6425, by Senators McAuliffe, Carlson, Fairley, Kohl-Welles and Winsley

Authorizing access to school meal programs and kitchen facilities.

The bill was read the second time.

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

Representatives Quall and Talcott spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6425.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6425 and the bill passed the House by the following vote: Yeas - 85, Nays - 11, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Boldt, Casada, Clements, Dunn, Holmquist, Mielke, Morell, Mulliken, Orcutt, and Roach - 11.

Excused: Representatives Armstrong, and Edwards - 2.

Senate Bill No. 6425, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted on Senate Bill No. 6425.

JEANNE EDWARDS, 1st District

SENATE BILL NO. 6430, by Senators Zarelli, McAuliffe and Oke

Authorizing issuance of high school diplomas to World War II veterans who were both honorably discharged and left high school before graduation to serve in World War II.

The bill was read the second time.

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

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6430.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6430 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6430, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6456, by Senators McAuliffe, Finkbeiner, Kohl-Welles, Winsley and Keiser; by request of Governor Locke, Superintendent of Public Instruction, Washington State School Directors Association, A+ Commission and State Board of Education

Authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals.

The bill was read the second time.

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

Representatives Santos and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6456.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6456 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Senate Bill No. 6456, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6457, by Senators Carlson and Jacobsen

Adopting the uniform athlete agents act.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 43rd Day, February 25, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Clements and Woods spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6457, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6457, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6457, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6460, by Senators Haugen and Horn

Funding local government research services.

The bill was read the second time.

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

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6460.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6460 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn,

Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6460, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6471, by Senators Honeyford, Rasmussen, Johnson, Sheahan, Stevens, Swecker, Shin, Parlette, Deccio, McCaslin, Hochstatter, Gardner, Hewitt, Spanel, Kastama, Regala, Eide, Oke, Hale and Keiser

Requiring labeling of the origin of fruits and vegetables grown in the United States or grown in Washington state.

The bill was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6471.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6471 and the bill passed the House by the following vote: Yeas - 87, Nays - 9, Absent - 0, Excused - 1, Not Voting - 1.

Voting yea: Representatives Ahern, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 87.

Voting nay: Representatives Alexander, Anderson, Ballasiotes, Carrell, DeBolt, Ericksen, Nixon, Sehlin, and Talcott - 9.

Excused: Representative Armstrong - 1.

Not Voting: Representative Schindler - 1.

Senate Bill No. 6471, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6481, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice and Winsley)

Regulating insurance for rental vehicles.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative McIntire spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6481, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6481, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representative Dunn - 1.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6481, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6575, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senator Hargrove)

Concerning the designation of certain lands as natural area preserves or natural resource conservation areas.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

COLLOQUY

Representative Sump: "Will the buffer zone language, or any other provision in SSB 6575, lead to conditions being imposed upon landowners who own property adjacent to natural area preserves, or otherwise affect private property rights?"

Representative Doumit: "SSB 6575 does not affect private property rights in any manner. Nothing in this measure will impose conditions, or lead to conditions being imposed, upon adjacent property owners. Part of the purpose of SSB 6575 is to allow the potential for greater access to natural area preserves. This determination will be made on a case-by-case basis. The buffer zone language contained in the bill pertains to increasing the access to these sites. The buffer zone is an area of increased public access, but protected areas beyond the buffer zone would be restricted in order to protect the environmentally sensitive areas. The buffer zone may be included as part of the natural area preserve, or part of a natural resources conservation area, or could be other property which has been purchased from a willing seller, or in which rights to access have been obtained in some other manner with the permission of the owner."

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6575, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6575, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6575, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6597, by Senate Committee on State & Local Government (originally sponsored by Senators Winsley, Gardner, Kohl-Welles, B. Sheldon and Keiser)

Authorizing additional school district capital demonstration projects.

The bill was read the second time.

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

Representatives Romero and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6597.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6597 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn,

Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6597, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6600, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Prentice)

Authorizing unclassified position appointments in city or town police departments.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Commerce & Labor was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Wood spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6600, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6600, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6600, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 5, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

HOUSE BILL NO. 1248,

Brad Hendrickson, Deputy Secretary

SUBSTITUTE SENATE BILL NO. 6629, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Sheahan, T. Sheldon, Jacobsen, Oke, Hargrove, Swecker, Rasmussen, Honeyford, Shin and Winsley)

Requiring the administrator for the courts to create a family law handbook.

The bill was read the second time.

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

Representative Dickerson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6629.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6629 and the bill passed the House by the following vote: Yeas - 90, Nays - 7, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Crouse, Hunt, McDermott, Murray, Schindler, Sump, and Tokuda - 7.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6629, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6664, by Senators Costa and Hargrove

Requiring offenders to propose a release plan.

The bill was read the second time.

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

Representatives O'Brien and Ballastioes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6664.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6664 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6664, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6700, by Senate Committee on Judiciary (originally sponsored by Senators Finkbeiner, Roach, Oke and McAuliffe)

Limiting the publication of personal information of law enforcement and court employees. (REVISED FOR ENGROSSED: Limiting publication of personal information of law enforcement, corrections officers, or court employees.)

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Esser, Lantz and Ruderman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6700, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6700, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Substitute Senate Bill No. 6700, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8004, by Senators Spanel, Swecker, Patterson, Hargrove, Costa, Eide, Fraser, Thibaudeau, Franklin, Regala, Gardner, Prentice, Kline, Kohl-Welles and Haugen

Petitioning Congress to appropriate support for an oil spill prevention tugboat in the Strait of Juan de Fuca.

The joint memorial was read the second time.

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

Representatives Linville and Schoesler spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Senate Joint Memorial No. 8004.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8004 and the bill passed the House by the following vote: Yeas - 88, Nays - 9, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Anderson, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Ahern, Ballard, Benson, Chandler, Crouse, Lisk, Mitchell, Mulliken, and Schindler - 9.

Excused: Representative Armstrong - 1.

Senate Joint Memorial No. 8004, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6538, by Senators Regala, Jacobsen and Oke

Establishing the ballast water work group.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was before the House for purpose of amendments. (For committee amendment(s), see Journal, 40th Day, February 22, 2002.)

Representative Rockefeller moved the adoption of amendment (372) to the committee amendment:

On page 1, after line 19, insert the following:

"(f) One representative from the Puget Sound water quality action team;"

Reletter the remaining subsection consecutively and correct any internal references accordingly.

Representatives Rockefeller and Doumit spoke in favor of the adoption of the amendment to the committee amendment.

Representative Sump spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Rockefeller and Sump spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6538, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6538, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6538, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5433, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Regala, Winsley and Thibaudeau)

Providing for establishment of parent and child relationship for children born through alternative reproductive medical technology.

The bill was read the second time.

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

Representatives Cody and Skinner spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5433 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 5433, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

SECOND READING SUSPENSION

SUBSTITUTE SENATE BILL NO. 5099, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Winsley and Thibaudeau)

Designating medical directors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 45th Day, February 27, 2002.)

The bill was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5099.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 5099, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5207, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles)

Regulating DNA testing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care was adopted. (For Committee amendment, see Journal, 46th Day, February 28, 2002.)

The bill was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5207.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5207 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Substitute Senate Bill No. 5207, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5369, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Long and Costa; by request of Department of Social and Health Services)

Revising provisions for jurisdiction in child support matters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Juvenile Justice & Family Law was adopted. (For Committee amendment, see Journal, 46th Day, February 28, 2002.)

The bill was placed on final passage.

Representative Dickerson spoke in favor of passage of the bill.

MOTION

On motion of Representative Woods, Representative Alexander was excused.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 5369, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5478, by Senators Franklin, Winsley, Prentice, Shin, Costa, Eide, T. Sheldon, Fairley, Jacobsen, Thibaudeau, B. Sheldon, Regala, Kline, Kohl-Welles, Spanel, McAuliffe, Fraser and Snyder

Reducing childhood lead exposure.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For Committee amendment, see Journal, 46th Day, February 28, 2002.)

The bill was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5478.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5478 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 5478, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6037, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Prentice, Kohl-Welles and Parlette)

Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Ecology was adopted. (For Committee amendment, see Journal, 46th Day, February 28, 2002.)

The bill was placed on final passage.

Representative Linville spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6037.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6037 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representative DeBolt - 1.

Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 6037, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6037.

JIM DUNN, 17th District

SENATE BILL NO. 6061, by Senator Patterson

Requiring quarterly meetings of municipal firemen's pension boards.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6061.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6061 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 6061, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6241, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder)

Excluding agriculturally cultivated Christmas trees from chapter 76.09 RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schoesler and Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6241 and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representative McIntire - 1.
Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 6241, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6242, by Senators Johnson and Kline

Modifying the definition of nonprobate asset.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6242.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6242 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 6242, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6286, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Long and Hargrove)

Revising provisions relating to the time permitted for review by the indeterminate sentence review board of sex offenders who are sentenced to short sentences under RCW 9.94A.712.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6286.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6286 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 6286, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6287, by Senators Long and Hargrove

Clarifying the status of persons who commit criminal offenses while civilly detained or committed under chapter 71.09 RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6287.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6287 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 6287, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6301, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Oke, Jacobsen, Spanel, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife)

Allowing the issuance of a group fishing permit to a facility.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For Committee amendment, see Journal, 46th Day, February, 2002.)

The bill was placed on final passage.

Representatives Sump and Eickmeyer spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6301.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6301 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 6301, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6329, by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Regala, Honeyford, Fraser, Jacobsen and Winsley)

Exempting certain hybrid vehicles from emission control inspection requirements.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6329 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Substitute Senate Bill No. 6329, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6341, by Senators Hargrove, Long, Winsley and Oke

Amending the judicial review of sex offender registration to comply with federal funding requirements.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6341.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6341 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 6341, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6374, by Senators Jacobsen, Winsley, Regala, Carlson and Fraser;
by request of Joint Committee on Pension Policy**

Correcting errors and oversights in certain retirement system statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6374.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6374 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Alexander, and Armstrong - 2.

Senate Bill No. 6374, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6375, by Senators Fraser, Winsley, Regala, Carlson, Rasmussen, Kastama and Oke; by request of Joint Committee on Pension Policy

Conforming the Washington state retirement systems to federal requirements on veterans.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Fromhold spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6375.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6375 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh,

Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6375, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6376, by Senators Regala, Winsley, Fraser, Carlson, Jacobsen, Rasmussen, Kastama and Oke; by request of Joint Committee on Pension Policy

Allowing the transfer of seasonal and military leave of absence employees to the public employees' retirement system plan 3.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and the committee amendment by the Committee on Appropriation was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

The bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6376 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6376 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6376, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6378, by Senators Spanel, Carlson, Jacobsen, Winsley, Fraser, Regala, Rasmussen, McAuliffe, Kohl-Welles and Keiser; by request of Joint Committee on Pension Policy

Authorizing part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6378.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6378 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6378, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6422, by Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin)

Defining "property of another" for purposes of crimes against property.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6422.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6422 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6422, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6469, by Senators Long, Costa, Hargrove and Winsley; by request of Department of Corrections, Indeterminate Sentence Review Board and Department of Social and Health Services

Authorizing release of mental health services information to department of corrections.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6469.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6469 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6469, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6505, by Senators Gardner and Hale

Revising local improvement district statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6505.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6505 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Senate Bill No. 6505, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6535, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Authorizing a disposition outside the standard range for the chemical dependency disposition alternative for juvenile offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Delvin spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6535.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6535 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Substitute Senate Bill No. 6535, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6578, by Senators B. Sheldon, Finkbeiner, Poulsen, Rossi and T. Sheldon

Exempting land leases for personal wireless communication facilities from the subdivision act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6578.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6578 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6578, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6587, by Senators Thibaudeau and Deccio; by request of Department of Health

Repealing state regulation of eye banks.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6587.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6587 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6587, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6602, by Senate Committee on Judiciary (originally sponsored by Senators Costa, Long, Poulsen and Kastama)

Revising the crime of extortion in the second degree.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien, Ballasiotes and Benson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6602.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6602 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6602, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6624, by Senators Keiser, Morton, Fraser and Hale; by request of Department of Ecology

Modifying well construction provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt and Schoesler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6624.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6624 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6624, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6691, by Senator Spanel

Authorizing five-member port commissions to have five commissioner districts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6691.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6691 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon,

Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6691, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6702, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Long, Costa, Franklin, Kohl-Welles, Carlson, Hewitt, Kastama, Johnson, Shin, Swecker, Hale, Rossi, Oke, Zarelli, McCaslin, Horn, Thibaudeau, West, Deccio, Rasmussen, Parlette, Sheahan, Benton, McDonald, Roach, T. Sheldon, Hochstatter, Honeyford, Morton, Finkbeiner and Winsley)

Protecting sibling relationships.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6702.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6702 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Substitute Senate Bill No. 6702, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6740, by Senators Rasmussen, Swecker, Shin and Parlette

Authorizing irrigation districts to accept various methods of payment.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Hunt spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6740.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6740 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6740, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6788, by Senators Costa and Hargrove

Authorizing a travel payment for out-of-state parents of homicide victims.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6788.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6788 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6788, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6798, by Senators Horn and Gardner

Revising provisions relating to street vacations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 6798.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6798 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Bill No. 6798, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8001, by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representative Cody spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Joint Memorial No. 8001, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 8023, by Senators Hale, Fraser, Eide, Regala and Roach

Requesting full funding for the cleanup of the Hanford Reservation.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representative Hunt spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8023 and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Engrossed Senate Joint Memorial No. 8023, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8031, by Senators Hale and Fraser

Encouraging re-authorization and full funding of the renewable energy production incentive.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representative Morris spoke in favor of passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8031.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8031 and the joint memorial passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Senate Joint Memorial No. 8031, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 5, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2015,
SECOND SUBSTITUTE HOUSE BILL NO. 2100,
HOUSE BILL NO. 2318,
HOUSE BILL NO. 2358,
SUBSTITUTE HOUSE BILL NO. 2366,
SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2513,
HOUSE BILL NO. 2553,
HOUSE BILL NO. 2595,
HOUSE BILL NO. 2819,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4026,

and the same are herewith transmitted.

Tony M. Cook, Secretary

The Speaker assumed the chair.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5097, by Senate Committee on State & Local Government (originally sponsored by Senators Kastama, Winsley, Constantine, Hargrove, Oke, Rasmussen and Patterson)

Requiring public entities to display the national league of families' POW/MIA flag.

The bill was read the second time.

Representative Haigh moved the adoption of the following amendment (386):

On page 1, line 6, after "entity" strike "shall" and insert "may"

On page 1, line 9, after "(a)" insert "Former Prisoner of War Recognition Day on April 9; (b)"

Re-letter the remaining subsections consecutively.

On page 1, line 14, after "flag" strike "will" and insert "may"

Representatives Haigh spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero and Schmidt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5097, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 97.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 5097, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5852, by Senators Franklin, Kline, Costa and Kohl-Welles

Reporting on issues pertaining to racial profiling.

The bill was read the second time.

Representative Schoesler moved the adoption of the following amendment (378):

On page 3, after line 14, insert

"NEW SECTION. Sec. 4. "If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void."

Representative Schoesler spoke in favor of adoption of the amendment.

Representative O'Brien spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (378) to Engrossed Senate Bill No. 5852.

ROLL CALL

The Clerk called the roll on the adoption of amendment (378) to Engrossed Senate Bill No. 5852, and the amendment was not adopted by the following vote: Yeas - 45, Nays - 52, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 45.

Voting nay: Representatives Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 52.

Excused: Representative Armstrong - 1.

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

Representative O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5852.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5852 and the bill passed the House by the following vote: Yeas - 80, Nays - 17, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 80.

Voting nay: Representatives Ballard, Boldt, Bush, Chandler, Cox, Crouse, Delvin, Dunn, Holmquist, Lisk, Mielke, Morell, Mulliken, Orcutt, Schindler, Schoesler, and Sump - 17.

Excused: Representative Armstrong - 1.

Engrossed Senate Bill No. 5852, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6257, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Oke and Rasmussen; by request of Department of Natural Resources)

Establishing contract harvesting of timber on state trust lands.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was before the House for purpose of amendments. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

Representative Doumit moved the adoption of amendment (376) to the committee amendment:

On page 2, line 3 of the amendment, after "(3)" strike everything down to and including "mountains" on line 6 and insert "The prohibition against substitution of export restricted timber does not apply to logs sold by the department under the contract harvesting program. Any person may purchase logs from the department or from another purchaser without limitation through the contract harvesting program unless that person is under a debarment order issued by the department of revenue pursuant to the applicable state regulations or statutes implementing the federal forest resources conservation and shortage relief act of 1990 (16 U.S.C. Sec. 1620 et seq.). Nothing in this subsection authorizes the export of export restricted timber"

Representatives Doumit, Eickmeyer, Rockefeller and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Sump, Ericksen and Sump (again) spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Doumit spoke in favor of passage of the bill.

Representative Sump spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6257, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6257, as amended by the House and the bill passed the House by the following vote: Yeas - 77, Nays - 20, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Cody, Conway, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Edwards, Eickmeyer, Esser, Fisher, Gombosky, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, Lysen, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Orcutt, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 77.

Voting nay: Representatives Alexander, Chase, Clements, Cooper, DeBolt, Dunshee, Ericksen, Fromhold, Grant, Hunt, Linville, Lisk, Mastin, McMorris, Ogden, Pearson, Schindler, Skinner, Sullivan, and Sump - 20.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6257, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6466, by Senators Gardner and Swecker

Modifying county treasurer administration provisions.

The bill was read the second time.

Representative Lisk moved the adoption of the following amendment (393):

On page 10, beginning on line 18, strike section 9.

Renumber the sections consecutively, correct internal references accordingly, and correct the title.

Representatives Lisk and Dunshee spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6466, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6466, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Voting nay: Representative Ballard - 1.

Excused: Representative Armstrong - 1.

Senate Bill No. 6466, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6572, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Morton, Carlson and Benton)

Regarding conservation district supervisors.

The bill was read the second time.

With the consent of the House, amendment (384) was withdrawn.

Representative Dunshee moved the adoption of the following amendment (377):

On page 4, beginning on line 6, strike all of section 4

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Dunshee spoke in favor of adoption of the amendment.

Representative Schoesler spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6572 and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representatives Cooper, Dunshee, Fisher, Murray, and Romero - 5.

Excused: Representative Armstrong - 1.

Substitute Senate Bill No. 6572, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6609, by Senators Snyder, Deccio, T. Sheldon, Morton, Rasmussen, Honeyford, Hale and Hargrove

Allowing cost recovery in cases involving disputed department of ecology studies.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Natural Resources was not adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

Representative Linville moved the adoption of amendment (380) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.21A.130 and 1987 c 505 s 28 are each amended to read as follows:

(1) In addition to any other powers granted the director, the director may undertake studies dealing with all aspects of environmental problems involving land, water, or air(~~(: PROVIDED, That)~~); however, in the absence of specific legislative authority, such studies shall be limited to investigations of particular problems, and shall not be implemented by positive action.

(2)(a) Any studies conducted by the department to establish the total maximum daily load of a water body under chapter 90.48 RCW must involve meaningful participation and opportunities to comment by the local watershed planning group established in chapter 90.82 RCW, the local governments whose jurisdictions are within the affected watershed, and any affected or concerned citizen who notifies the department of his or her interest in participating. Technical or procedural disputes or disagreements that arise during the participation and comment process may be presented to the director for review. The director shall conduct a review of the disputed items and issue written findings and conclusions to all interested participants.

(b) If a study conducted on the total maximum daily load of a water body may affect a new or renewed national pollution discharge elimination permit under chapter 90.48 RCW, the department must disclose prior to the finalization of the study the precision and accuracy of data collected, computer models developed, and assumptions used.

(c) Any party that participated in a study under this subsection (2) and disagrees with the director's written findings under (a) of this subsection may request an administrative hearing presided over by an administrative law judge. The hearing shall be conducted in accordance with chapter 34.05 RCW. If the administrative law judge finds that the department's conclusions were based on erroneous information or data, the administrative law judge may order that the study be disregarded. The administrative law judge may also order the department to reimburse the party or parties requesting the hearing for any costs associated with hiring professional outside assistance that was reasonably necessary to prove that party's position at the hearing. These costs include attorney and consultant fees. The administrative law judge's determination or order shall be final and not subject to further appeal."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dunshee spoke against the adoption of the amendment to the committee amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

Representative Dunshee spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6609, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6609, as amended by the House and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Absent - 0, Excused

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kessler, Kirby, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Van Luven, Woods, and Mr. Speaker - 71.

Voting nay: Representatives Barlean, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Fisher, Hurst, Kagi, Kenney, Lantz, Lysen, McDermott, McIntire, Murray, Reardon, Romero, Simpson, Sullivan, Tokuda, Upthegrove, Voloria, and Wood - 26.

Excused: Representative Armstrong - 1.

Senate Bill No. 6609, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 6609.

SHAY SCHUAL-BERKE, 33rd District

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., March 6, 2002, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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FIFTY FIRST DAY, MARCH 5, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 6, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Maureen Webley and Mark Urlacher. Prayer was offered by Father William Treacy, Camp Brotherhood, Mt. Vernon.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4718, by Representatives Morell and Casada

WHEREAS, The annual Puyallup Valley Daffodil Festival is a cherished tradition for the people of Pierce county and the northwest; and

WHEREAS, 2002 marks the sixty-ninth annual Puyallup Valley Daffodil Festival; and

WHEREAS, The festival began in 1926 as a simple garden party in Sumner, and grew steadily each year until 1934 when flowers, which previously had been largely discarded in favor of bulbs, were used to decorate cars and bicycles for a short parade through Tacoma; and

WHEREAS, The festival's 2002 events are ongoing, and will culminate in the April 20th Grand Floral Street Parade, winding its way from downtown Tacoma to the communities of Puyallup, Sumner, and Orting; and

WHEREAS, This year's festival royalty includes princesses: Anne Beale, Stadium High School; Brittany Bensch, Henry Foss High School; Madeline Chipps, Puyallup High School; Stephanie Clabaugh, Wilson High School; Stephani Clifford, Curtis High School; Natalie Dudley, Eatonville High School; Alysha Holmquist, Fife High School; Danielle Morris, Lakes High School; Rachel Ott, Sumner High School; Thy Pham-Cieliesz, Governor John Rogers High School; Jennifer Rainey, Emerald Ridge High School; Nicole Remy, Spanaway Lake High School; Melanie Sarreal, Bethel High School; Mindi Seffens, Lincoln High School; Theary So, Mt. Tahoma High School; Laura Soler, Orting High School; Patricia Trella, Washington High School; Kaylyn White, Clover Park High School; and Katrina Woldseth, Franklin Pierce High School; and

WHEREAS, On March 15th at the Queen's Coronation, a queen is selected to reign over the many festival activities that take place throughout the festival year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the many contributions made to our state by the Puyallup Valley Daffodil Festival and its organizers over the past sixty-nine years; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to the 2002 Puyallup Valley Daffodil Festival officers and to the members of the festival royalty.

Representative Morell moved the adoption of the resolution.

Representative Morell spoke in favor of the adoption of the resolution.

House Resolution No. 4718 was adopted.

MESSAGES FROM THE SENATE

March 5, 2002

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1512,
HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2347,
ENGROSSED HOUSE BILL NO. 2399,
HOUSE BILL NO. 2495,
SECOND SUBSTITUTE HOUSE BILL NO. 2511,
SUBSTITUTE HOUSE BILL NO. 2512,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2544,
HOUSE BILL NO. 2605,
HOUSE BILL NO. 2715,
SUBSTITUTE HOUSE BILL NO. 2895,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 6, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SENATE BILL NO. 5852,
SUBSTITUTE SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6572,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 6, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6313,
SENATE BILL NO. 6324,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6326,
SENATE BILL NO. 6328,
SUBSTITUTE SENATE BILL NO. 6389,
SENATE BILL NO. 6401,
SENATE BILL NO. 6408,
SENATE BILL NO. 6425,
SENATE BILL NO. 6430,
ENGROSSED SENATE BILL NO. 6456,
SENATE BILL NO. 6460,

SENATE BILL NO. 6471,
SUBSTITUTE SENATE BILL NO. 6597,

and the same are herewith transmitted.

Tony M. Cook, Secretary

The Speaker assumed the chair.

MESSAGE FROM THE SENATE

March 6, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 6061,
SUBSTITUTE SENATE BILL NO. 6241,
SENATE BILL NO. 6242,
SENATE BILL NO. 6287,
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ENGROSSED SUBSTITUTE SENATE BILL NO. 6702,
SENATE BILL NO. 6740,
SENATE BILL NO. 6788,
SENATE BILL NO. 6798,
SENATE JOINT MEMORIAL NO. 8001,
SENATE JOINT MEMORIAL NO. 8004,
ENGROSSED SENATE JOINT MEMORIAL NO. 8023,
SENATE JOINT MEMORIAL NO. 8031,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5543, By Senate Committee on Education (originally sponsored by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley; by request of Governor Locke and Superintendent of Public Instruction)

Improving student safety.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendments. (For committee amendment, see Journal, 46th Day, February 28, 2002, 2002.)

There being no objection, the House deferred action on Substitute Senate Bill No. 5543, and the bill held its place on the second reading calendar.

ENGROSSED SENATE BILL NO. 5626, by Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Roach, Patterson, McAuliffe and Benton; by request of Joint Select Committee on Veterans' and Military Affairs

Modifying the definition of veteran.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was before the House for purpose of amendments. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

Representative Romero moved the adoption of amendment (391) to the committee amendment:

On page 1, beginning on line 8 of the amendment, strike all material through "not" on line 9

Representative Romero spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero, Schindler and Conway spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Woods, Representatives Casada, McMorris and Schmidt were excused. On motion of Representative Santos, Representatives Lysen, Miloscia and Reardon were excused.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5626, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5626, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Roach, Rockefeller, Romero,

Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 92.
Excused: Representatives Casada, Lysen, McMorris, Miloscia, Reardon, and Schmidt - 6.

Engrossed Senate Bill No. 5626, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5827, by Senate Committee on Judiciary (originally sponsored by Senator McCaslin)

Changing provisions relating to the enforcement of judgments.

The bill was read the second time.

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

Representative Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5827.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5827 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Second Substitute Senate Bill No. 5827, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5832, by Senator Haugen

Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area.

The bill was read the second time.

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

Representative Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5832.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5832 and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Senate Bill No. 5832, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5841, by Senate Committee on State & Local Government (originally sponsored by Senators Patterson, McCaslin, Gardner, Sheahan, T. Sheldon, Deccio, Haugen, Winsley and Hochstatter)

Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was before the House for purpose of amendments. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

Representative Sullivan moved adoption of amendment (374):

On page 4, after line 14 of the amendment, insert the following:

"**Sec. 2.** RCW 35.58.320 and 1993 c 240 s 8 are each amended to read as follows:

(1) A metropolitan municipal corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, (~~which are necessary for its purposes~~) as long as the property is within the legally established service area boundaries of the metropolitan municipal corporation, which are necessary for its purposes, subject to the provisions set forth in subsections (2) and (3) of this section. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities, except insofar as such laws may be inconsistent with the provisions of this chapter.

(2) A metropolitan municipal corporation shall not condemn lands for an essential public facility, provided for in RCW 36.70A.200, at a location outside its component county without a finding by the legislative authority of the city or county in which the land is located that the location of the essential public facility is consistent with that city's or county's comprehensive plan."

Correct the title.

POINT OF ORDER

Representative Dunshee requested a scope and object ruling on the amendment (374) to Substitute Senate Bill No. 5841.

SPEAKER'S RULING

Mr. Speaker: "Substitute Senate Bill No. 5841 is entitled an act relating to "establishing a schedule for review of comprehensive plans and development regulations under the growth management act." The bill revises GMA timelines for local governments.

Amendment (374) deals with the exercise of eminent domain powers. The amendment is unrelated to GMA timelines and is clearly beyond the scope and object of the bill.

Representative Dunshee, your point of order is well taken."

There being no objection, the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5841, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5841, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Substitute Senate Bill No. 5841, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5543, by Senate Committee on Education (originally sponsored by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley; by request of Governor Locke and Superintendent of Public Instruction)

Improving student safety.

Representative Rockefeller moved the adoption of amendment (387) to the committee amendment:

On page 2, after line 11 of the amendment, insert the following:

"(4) The superintendent of public instruction may adopt rules to implement provisions of this section. These rules may include, but are not limited to, provisions for periodic drills and testing, evacuations, lockdowns, or other components of a comprehensive safe school plan."

On page 2, beginning on line 12 of the amendment, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 12, line 12 of the amendment, after "Information", strike all material through "assessments" on line 14, and insert "compiled by school districts or schools in the development of their comprehensive safe school plans pursuant to section 2 of this act,"

On page 13, line 1 of the amendment, strike "5" and insert "4"

On page 13, line 5 of the amendment, strike "Sections 3 and 4" and insert "Section 3"

On page 13, line 5 of the amendment, strike "take" and insert "takes"

Representatives Rockefeller and Talcott spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Quall and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5543, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5543, as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 3, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 89.

Voting nay: Representatives Boldt, Dunn, and Mielke - 3.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Substitute Senate Bill No. 5543, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5954, by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

Updating obsolete language.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill , as amended by the House was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5954, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5954, as amended by the House and the bill passed the House by the following vote: Yeas - 86, Nays - 6, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 86.

Voting nay: Representatives Armstrong, Ballard, Chandler, Holmquist, Lisk, and Mulliken - 6.
Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Engrossed Senate Bill No. 5954, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SENATE BILL NO. 6001, by Senators Carlson and Winsley

Inspecting tenant dwelling units for fire code violations. (REVISED FOR 2ND ENGROSSED: Authorizing inspections of tenant dwelling units for fire code violations.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill , as amended by the House was placed on final passage.

Representative Dunshee spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 6001, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 6001, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville,

Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Second Engrossed Senate Bill No. 6001, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6080, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Prentice)

Updating and harmonizing fireworks and explosives laws.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6080, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6080, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Second Substitute Senate Bill No. 6080, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6233, by Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe)

Clarifying references to ephedrine, pseudoephedrine, and ammonia.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill , as amended by the House was placed on final passage.

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6233, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6233, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 0, Absent - 0, Excused - 6.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Excused: Representatives Casada, Kessler, Lysen, McMorris, Miloscia, and Schmidt - 6.

Substitute Senate Bill No. 6233, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6234, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Winsley, Prentice, Regala, Hochstatter, Honeyford, Benton, Rasmussen, Gardner, Deccio, Roach, Morton, Franklin and Hewitt)

Requiring a date certain for the payment of insurance premiums.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, 47th Day, March 1, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill , as amended by the House was placed on final passage.

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6234, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6234, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6234, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6254, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Swecker, Shin and Spanel; by request of Department of Agriculture)

Creating the fruit and vegetable inspection account.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6254, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6254, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6254, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Ogden to preside.

SUBSTITUTE SENATE BILL NO. 6264, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice and Kline)

Allowing a chiropractor to be a licensed official at a boxing, kickboxing, or martial arts event.

The bill was read the second time.

Representative Wood moved the adoption of the following amendment (413):

On page 3, line 20, after "event." insert "The promoter shall pay the chiropractor present at a boxing, kickboxing, or martial arts event."

Representatives Wood and Clements spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Wood and Clements spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6264, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6264, as amended by the House and the bill passed the House by the following vote: Yeas - 87, Nays - 6, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 87.

Voting nay: Representatives Anderson, Armstrong, Mitchell, Orcutt, Pflug, and Sump - 6.
Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6264, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6267, by Senate Committee on Judiciary (originally sponsored by Senators Johnson and Kline)

Revising the principal and income act.

The bill was read the second time.

There being no objection, the committee recommendation was not adopted.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6267.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6267 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6267, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6283, by Senators Gardner, Swecker, T. Sheldon, Haugen and Rasmussen

Changing the monetary threshold for competitive bidding requirements for public hospital districts.

The bill was read the second time.

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

Representatives Dunshee and Mulliken spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Senate Bill No. 6283.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6283 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6283, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6293, by Senators Kline and Johnson

Hearing certain criminal actions by video or other electronic means.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Senate Bill No. 6293.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6293 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6293, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6321, by Senators Gardner, McCaslin, Roach, T. Sheldon, Keiser, McAuliffe, Hale and Oke; by request of Secretary of State

Allowing candidates to file electronically.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Ogden presiding) stated the question before the House to be the final passage of Senate Bill No. 6321.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6321 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers,

Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6321, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SENATE BILL NO. 6338, by Senators Keiser, Winsley, Gardner and Kohl-Welles

Modifying the consumer loan act.

The bill was read the second time.

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

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6338.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6338 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6338, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6350, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, McAuliffe and Oke)

Allowing use of county road funds for state highway improvements.

The bill was read the second time.

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

Representatives Hankins and Fisher spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6350.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6350 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6350, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6417, by Senator Johnson

Regarding the filing of wills in superior court.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6417.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6417 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6417, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6423, by Senate Committee on Judiciary (originally sponsored by Senators Costa and McCaslin)

Clarifying how criminal history should be used in sentencing decisions.

The bill was read the second time.

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

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6423.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6423 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6423, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6704, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Hargrove, Kastama, Winsley, Oke, Keiser and Johnson)

Increasing penalties for terrorist acts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Select Committee on Community Security was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Hurst and Lisk spoke in favor of passage of the bill.

Representative Murray spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6704, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6704, as amended by the House and the bill passed the House by the following vote: Yeas - 70, Nays - 23, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dickerson, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kessler, Kirby, Linville, Lisk, Lovick, Mastin, Mielke, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Ruderman, Schindler, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sump, Talcott, Van Luven, Woods, and Mr. Speaker - 70.

Voting nay: Representatives Chase, Cody, Cooper, Darneille, Dunshee, Fisher, Hunt, Kagi, Kenney, Lantz, McDermott, McIntire, Murray, Ogden, Rockefeller, Romero, Santos, Schual-Berke, Sullivan, Tokuda, Upthegrove, Veloria, and Wood - 23.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Substitute Senate Bill No. 6704, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6704.

KELLI LINVILLE, 42nd District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6704.

MARY LOU DICKERSON, 36th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6704.

LAURA RUDERMAN, 45th District

SENATE BILL NO. 6429, by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Winsley; by request of Governor Locke and Attorney General

Regulating the admissibility of benevolent gestures in civil actions.

The bill was read the second time.

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

Representatives Alexander and Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6429.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6429 and the bill passed the House by the following vote: Yeas - 90, Nays - 3, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler,

Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Anderson, Ballasiotes, and Boldt - 3.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6429, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6449, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senator Kastama)

Allowing entrance and exit fees under limited circumstances.

The bill was read the second time.

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

Representative Dunn spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6449.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6449 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Substitute Senate Bill No. 6449, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6465, by Senators Carlson, Gardner and Benton

Revising limitations on county auditors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6465, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6465, as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 89.

Voting nay: Representatives Alexander, Crouse, Mitchell, and Schindler - 4.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6465, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6482, by Senators Long, Hargrove, Winsley, Haugen, Stevens, Deccio and Rasmussen

Removing time limits for treatment under the alcohol and drug addiction treatment and support act.

The bill was read the second time.

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

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6482.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6482 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6482, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6483, by Senators Prentice and Winsley; by request of Department of Financial Institutions

Regulating securities.

The bill was read the second time.

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

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6483.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6483 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6483, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6488, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, T. Sheldon, Eide, Winsley, Hale, Spanel, Jacobsen, Rasmussen, Gardner and Oke)

Creating a statewide registered sex offender web site.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6488, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6488, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6488, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6491, by Senators Prentice and Winsley; by request of Gambling Commission and Liquor Control Board

Changing provisions relating to criminal history background checks by state agencies.

The bill was read the second time.

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

Representatives Wood and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6491.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6491 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6491, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6508, by Senators Rasmussen, Swecker and Winsley

Registering pesticides.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Natural Resources was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill , as amended by the House was placed on final passage.

Representatives Linville and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6508, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6508, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6511, by Senators Johnson, Kline, Costa and Winsley; by request of Administrator for the Courts

Authorizing any sitting elected judge to be a judge pro tempore.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6511.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6511 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken,

Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6511, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6526, by Senators Keiser and Winsley; by request of Insurance Commissioner

Renewing contracts of insurance that are subject to RCW 48.18.290.

The bill was read the second time.

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

Representatives McIntire and Benson spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6526.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6526 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6526, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6529, by Senators Gardner and Haugen

Modifying the time period for holding elections to fill vacancies.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6529.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6529 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6529, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6557, by Senators Kohl-Welles, Horn, Carlson, Shin, Jacobsen, Sheahan, McAuliffe, Parlette and B. Sheldon

Providing for the higher education coordinating board to select its chair and vice-chair.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6557, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6557, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6557, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6577, by Senators Gardner, Roach and Costa

Prohibiting substitution of subcontractors on larger public works contracts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government was adopted. (For committee amendment, see Journal, 47th Day, March 1, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6577, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6577, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6577, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6596, by Senators McCaslin, Brown, Long, Sheahan, Johnson, Kline, Roach and West

Increasing the number of Spokane district court judges.

The bill was read the second time.

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

Representatives Lantz, Carrell and Ahern spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6596.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6596 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6596, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6601, by Senators Prentice, Rasmussen, Kohl-Welles, McAuliffe and Hale

Allowing a licensed distiller, domestic brewery, microbrewery, or domestic winery to sell liquor at a spirits, beer, and wine restaurant located on contiguous property that is leased by that licensed distiller, domestic brewery, microbrewery, or domestic winery.

The bill was read the second time.

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

Representatives Wood and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6601.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6601 and the bill passed the House by the following vote: Yeas - 92, Nays - 1, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representative Sump - 1.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6601, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6627, by Senators Costa, Long, Hargrove, Kline, Kohl-Welles and Winsley

Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution."

The bill was read the second time.

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

Representative Lovick spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6627.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6627 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6627, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6628, by Senators Kohl-Welles, Sheahan and Jacobsen; by request of University of Washington

Establishing the probationary period for campus police officer appointees.

The bill was read the second time.

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

Representative Kenney spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6628.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6628 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers,

Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6628, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1248,
ENGROSSED HOUSE BILL NO. 2288,
HOUSE BILL NO. 2299,
HOUSE BILL NO. 2303,
HOUSE BILL NO. 2370,
SUBSTITUTE HOUSE BILL NO. 2381,
HOUSE BILL NO. 2401,
HOUSE BILL NO. 2467,
ENGROSSED HOUSE BILL NO. 2491,
HOUSE BILL NO. 2493,
SUBSTITUTE HOUSE BILL NO. 2592,
HOUSE BILL NO. 2625,
SUBSTITUTE HOUSE BILL NO. 2754,
HOUSE BILL NO. 2809,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4025,
SUBSTITUTE SENATE BILL NO. 5433,
ENGROSSED SENATE BILL NO. 5852,
SENATE BILL NO. 6061,
SUBSTITUTE SENATE BILL NO. 6240,
SUBSTITUTE SENATE BILL NO. 6241,
SENATE BILL NO. 6242,
SENATE BILL NO. 6287,
SUBSTITUTE SENATE BILL NO. 6313,
SENATE BILL NO. 6324,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6326,
SENATE BILL NO. 6328,
SUBSTITUTE SENATE BILL NO. 6329,
SENATE BILL NO. 6341,
SENATE BILL NO. 6374,
SENATE BILL NO. 6375,
SENATE BILL NO. 6378,
SUBSTITUTE SENATE BILL NO. 6389,
SENATE BILL NO. 6401,
SENATE BILL NO. 6408,
SUBSTITUTE SENATE BILL NO. 6422,
SENATE BILL NO. 6425,
SENATE BILL NO. 6430,
SENATE BILL NO. 6460,
SENATE BILL NO. 6469,
SENATE BILL NO. 6471,
ENGROSSED SENATE BILL NO. 6505,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6535,
SUBSTITUTE SENATE BILL NO. 6572,
SENATE BILL NO. 6578,
SENATE BILL NO. 6587,
SUBSTITUTE SENATE BILL NO. 6597,
SUBSTITUTE SENATE BILL NO. 6602,

SENATE BILL NO. 6624,
SUBSTITUTE SENATE BILL NO. 6629,
SENATE BILL NO. 6664,
SENATE BILL NO. 6691,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6702,
SENATE BILL NO. 6740,
SENATE BILL NO. 6788,
SENATE BILL NO. 6798,
SENATE JOINT MEMORIAL NO. 8001,
SENATE JOINT MEMORIAL NO. 8004,
ENGROSSED SENATE JOINT MEMORIAL NO. 8023,
SENATE JOINT MEMORIAL NO. 8031,

SENATE BILL NO. 6709, by Senators Eide, Costa, Rasmussen, Thibaudeau, Prentice, Fraser, Kohl-Welles, McAuliffe, Haugen and Keiser

Addressing service and education planning for children in out-of-home care.

The bill was read the second time.

re being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

There being no objection, the House deferred action on Senate Bill No. 6709, and it held its place on the second reading calendar.

ENGROSSED SENATE JOINT MEMORIAL NO. 8014, by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

The joint memorial was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, 43rd Day, February 25, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial, as amended by the House was placed on final passage.

Representative Wood spoke in favor of passage of the joint memorial.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Joint Memorial No. 8014, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8014, as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Casada, Lysen, McMorris, and Miloscia - 4.

Engrossed Senate Joint Memorial No. 8014, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6537, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Winsley, Kohl-Welles, Thibaudeau, Fairley, Kline, Jacobsen, Prentice, B. Sheldon and Keiser)

Providing emergency contraception to sexual assault victims.

The bill was read the second time.

Representative Mulliken moved the adoption of the following amendment (417):

On page 2, line 14, strike "health care treatment" and insert "substance or device"

Representative Mulliken spoke in favor of adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mulliken moved the adoption of amendment (382):

On page 2, line 15, strike "pregnancy" and insert "conception"
On page 3, line 37, strike "pregnancy" and insert "conception"

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (383):

On page 3, line 15, after "hospital" insert "not exempted under RCW....(section 4 of this act)"
On page 4, after line 2, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 71.40 to read as follows:

No person or private medical facility may be required to provide emergency contraception if the person or private medical facility objects to doing so, and no person may be discriminated against in employment or professional privileges because of the person's refusal to participate in the provision of emergency contraception."

Renumber the remaining section and correct internal references accordingly.

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (399):

On page 3, line 15, after "hospital" insert "not exempted under RCW...(section 4 of this act)"

On page 4, after line 2, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 71.40 RCW to read as follows:

No person or private medical facility may be required by law or contract in any circumstances to participate in the provision of emergency contraception if such person or private medical facility objects to doing so based on a reasonable belief that conception has occurred and that the provision of emergency contraception potentially would cause harm to the product of conception. No person may be discriminated against in employment or professional privileges because of the person's refusal to participate in the provision of emergency contraception based on his or her reasonable belief that conception has occurred and that the provision of emergency contraception potentially would cause harm to the product of conception."

Re-number the remaining section accordingly and correct the title.

Representatives Schindler and Mulliken spoke in favor of the adoption of the amendment.

Representatives Schual-Berke, Cody and Ballasiotes spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Bush moved the adoption of amendment (412):

On page 3, line 15, after "hospital" insert "not exempted under section 5 of this act"

On page 4, after line 11, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 70.41 RCW to read as follows:

No person, organization, or facility may be required by law or contract in any circumstances to participate in the provision of emergency contraception if the person, organization, or facility objects to doing so based on a sincerely held religious, moral, or philosophical belief that the provision of emergency contraception would be wrong under the circumstances. No person may be discriminated against in employment or professional privileges because of the person's refusal to participate in the provision of emergency contraception based on his or her sincerely held religious, moral, or philosophical belief that the provision of emergency contraception would be wrong under the circumstances."

Representative Bush spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mulliken moved the adoption of amendment (425):

On page 3, line 21, strike "if not" and insert "Test to determine if conception has occurred and if tests results are negative and if not otherwise"

Representative Mulliken spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (381):

On page 3, after line 23, insert the following:

"(2) A hospital providing emergency care to a minor child who is a victim of sexual assault shall immediately notify the parent or guardian of the minor child's presence in the hospital unless the minor objects to the notification or the hospital has reason to believe that the parent or guardian is complicit in any way regarding the alleged sexual assault."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Ericksen, Benson, Mastin, Cox, Pflug and Talcott spoke in favor of the adoption of the amendment.

Representatives Schual-Berke, Ruderman, Mitchell and McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Morell moved the adoption of amendment (404):

On page 4, line 1, after "(3)" insert "The requirement to provide emergency contraception does not apply to a pharmacy located in a hospital unless that pharmacy is presented with a prescription that was issued at the emergency room of the hospital in which the pharmacy is located.

(4)"

Representative Morell spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (419):

On page 4, line 2, after "section." insert "The legislature's delegation of authority under this act to adopt materials and rules is strictly limited to the minimum delegation necessary to administer this act's clear and unambiguous directives for those circumstances and behaviors reasonably foreseeable at the time of enactment."

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Schual-Berke, Nixon, Campbell and Ballasiotes spoke in favor of passage of the bill.

Representatives Schindler, Benson, Bush, Ericksen and Mulliken spoke against the passage of the bill.

COLLOQUY

Representative Benson: "Is it the intent of SSB 6537 to cause or promote abortions?"

Representative Schual-Berke: "No, the intent of this legislation is to promote emergency contraception for victims of sexual assault."

Representative Benson: "Catholic hospitals in our State provide compassionate care for women who have been raped, including the offering of emergency contraception. Does SSB 6537 allow Catholic hospitals to continue to provide treatment for victims of sexual assault, including emergency contraception?"

Representative Schual-Berke: "Yes, Catholic hospitals will be able to provide treatment for victims of sexual assault, including emergency contraception."

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6537.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6537 and the bill passed the House by the following vote: Yeas - 75, Nays - 19, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Carrell, Chase, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, McDermott, McIntire, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Ballard, Benson, Boldt, Bush, Chandler, Cox, Crouse, DeBolt, Holmquist, Lisk, Mastin, Mielke, Morell, Mulliken, Pearson, Roach, Schindler, and Sump - 19.

Excused: Representatives Casada, Lysen, McMorris, and Miloscia - 4.

Substitute Senate Bill No. 6537, having received the necessary constitutional majority, was declared passed.

The Speaker called upon Representative Ogden to preside.

SUBSTITUTE SENATE BILL NO. 6553, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Poulsen, Oke and Regala; by request of Governor Locke)

Enhancing regulatory capabilities to prevent invasive aquatic species.

The bill was read the second time.

Representative Talcott moved the adoption of amendment (415):

On page 5, line 38, after "means a" strike "nonnative" and insert "plant species or a nonnative animal"

On page 6, line 4, after "state;" strike "or"

On page 6, line 6, after "waters" strike "." and insert "; or"

On page 6, after line 6, insert the following:
"(d) Threatens or harms human health."

Representatives Talcott and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Doumit moved the adoption of amendment (401):

On page 7, line 25, after "act" insert ". The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariankensis*)"

Representative Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (400) was withdrawn.

Representative Talcott moved the adoption of amendment (429):

On page 5, line 38, after "means" strike all material through "waters." on page 6, line 6 and insert "an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health."

Representatives Talcott and Doumit spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Doumit and Sump spoke in favor of passage of the bill.

MOTION

On motion of Representative Santos, Representative Edwards was excused.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6553, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6553, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Vloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Edwards, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 6553, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6635, by Senate Committee on Judiciary (originally sponsored by Senators Kastama, Kline and Rasmussen)

Creating a notice and appeal process for animal control authorities.

The bill was read the second time.

With the consent of the House, amendments (394) and (426) were excused.

Representative Campbell moved the adoption of amendment (442):

On page 5, line 31, after "RCW 9A.20.021." insert "It is an affirmative defense that the defendant must prove by a preponderance of the evidence that he or she was in compliance with the requirements for ownership of a dangerous dog pursuant to this chapter and the person or domestic animal attacked or bitten by the defendant's dog trespassed on the defendant's real or personal property or provoked the defendant's dog without justification or excuse."

On page 6, line 1, after "RCW 9A.20.021." insert "It is an affirmative defense that the defendant must prove by a preponderance of the evidence that the human severely injured or killed by the defendant's dog: (a) Trespassed on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog; or (b) provoked the defendant's dog without justification or excuse on the defendant's real or personal property which was enclosed by fencing suitable to prevent the entry of young children and designed to prevent the dog from escaping and marked with clearly visible signs warning people, including children, not to trespass and to beware of dog."

Representatives Campbell and O'Brien spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative O'Brien spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6635, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6635, as amended by the House and the bill passed the House by the following vote: Yeas - 84, Nays - 9, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson,

Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 84.

Voting nay: Representatives Anderson, Ballard, Crouse, Holmquist, Lisk, Mulliken, Pflug, Schindler, and Sump - 9.

Excused: Representatives Casada, Edwards, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 6635, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Children & Family Services was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

Representative Morell moved the adoption of amendment (427):

On 2, line 6, after "means" insert "(i)"

On page 2, line 8, after "operation" insert "; or (ii) a fire station during its hours of operation and while fire personnel are present"

On page 2, line 11, after "means" insert "(i)"

On page 2, line 15, after "needs" insert "; or (ii) a firefighter, volunteer or emergency medical technician at a fire station who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs"

On page 2, line 19, after "person" strike "and the hospital" and insert "at an appropriate location"

On page 2, line 22, after "person" strike "and the hospital" and insert "at an appropriate location"

On page 2, line 24, after "give the" strike "hospital" and insert "qualified person"

On page 2, line 26, after "person" strike "and the hospital" and insert "at an appropriate location"

On page 2, at the beginning of line 33, strike "hospital" and insert "qualified person"

On page 2, line 36, after "notification" strike "and shall arrange for discharge of the newborn from the hospital"

On page 3, line 1, after "hospital" insert "or fire station"

On page 5, line 33, after "hospitals" insert "and fire stations"

On page 6, line 4, after "managers;" strike "and"

On page 6, line 5, after "public" insert "; and (m) firefighters and emergency medical technicians"

Representatives Morell and Tokuda spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Boldt moved the adoption of amendment (395):

On page 2, beginning on line 11, after "any" strike all material through "a" on line 12

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (396) was withdrawn.

Representative Boldt moved the adoption of amendment (422):

On page 2, line 19, after "shall" delete "not"

On page 2, beginning on line 20, after "to" strike all material through "newborn" on line 21 and insert "disclose his or her identity, the identity of the other parent and any known medical history relevant to the child"

On page 2, line 22, beginning with "The qualified" strike all material through "newborn." on line 26

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (397):

On page 6, beginning on line 12, strike all material through "immediately" on line 14 and insert "effective July 1, 2003"

Correct the title

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (398):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to increase the likelihood that pregnant women will obtain adequate prenatal care and will provide their newborns with adequate health care during the first few days of their lives. The legislature further intends to protect the health and safety of all children and reaffirms its mission under RCW 13.34.020 and RCW 74.14A.010. The legislature recognizes that in some situations it is in the best interest of the child to provide a clear process for the relinquishment of that child and the termination of parental rights. The legislature does not intend to encourage the abandonment of newborn children nor to change existing law relating to notification to parents under chapter 13.34 RCW, but rather to ensure that abandonment does not occur and that all newborns have an opportunity for adequate health care and a stable home life.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means a social worker employed by the hospital or any person that has been designated by the hospital as a person who will receive infants who are being relinquished by a parent. Any person designated as a qualified person shall complete any training requirements pursuant to section 8 of this act.

(2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person taking the newborn shall determine if the newborn is in need of emergent care and shall attempt to obtain any pertinent information about the newborn including the identity of both parents of the newborn and any know medical history relevant to the newborn.

(b) The qualified person and the hospital shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, legal rights to the parent seeking to relinquish the newborn, and the legal rights of a parent seeking to terminate parental rights as well as any right to reunification with the newborn.

(c) If a parent of a newborn relinquishes the newborn to a qualified person at an appropriate location pursuant to this section, the hospital shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification and shall arrange for discharge of the newborn from the hospital.

(d) A hospital, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

Sec. 3. RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((A))~~ a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

Sec. 4. RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, ~~((A))~~ a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

- (i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or
 - (ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.
- (2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.
- (3) Abandonment of a dependent person in the second degree is a class C felony.

Sec. 5. RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read as follows:

- (1) Except as provided in subsection (2) of this section, ((A)) a person is guilty of the crime of abandonment of a dependent person in the third degree if:
- (a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or dependent person any of the basic necessities of life; and
 - (b) The person recklessly abandons the child or other dependent person; and:
 - (i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or
 - (ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.
- (2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.
- (3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

Sec. 6. RCW 26.20.030 and 1984 c 260 s 26 are each amended to read as follows:

- (1) Except as provided in subsection (2) of this section, ((A))any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.
- (2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.
- (3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

Sec. 7. RCW 26.20.035 and 1984 c 260 s 27 are each amended to read as follows:

- (1) Except as provided in subsection (2) of this section, ((A))any person who is able to provide support, or has the ability to earn the means to provide support, and who:
- (a) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or
 - (b) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,
- is guilty of the crime of family nonsupport.
- (2) A parent of a newborn who relinquishes the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.
- (3) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 13.34 RCW to read as follows:

(1) The department shall provide training for persons designated as a qualified person who will receive a newborn from a parent who is relinquishing the newborn. The department shall establish training standards and protocol and make training available to all persons who are designated as a qualified person. The department shall conduct the initial training at the hospitals by September 30, 2003.

(2) The department shall provide to hospitals all forms related to child custody and termination of parental rights necessary to carry out the provisions of this act.

NEW SECTION. Sec. 9. (1) The secretary of the department of social and health services shall convene a task force to recommend methods of implementing this act, including how private or public funding may be obtained to support a program of public education regarding the provisions of this act and targeted education of pregnant women as to the prenatal care services that are available to them and services related to adoption of their child. The task force shall consider all reasonable methods of educating Washington residents about the need for prenatal and postdelivery health care for

a newborn whose parents may otherwise not seek such care and place their newborn at risk as a result. The task force shall also consider, and make recommendations regarding: (a) Ways to meet the medical and emotional needs of the mother and to improve the promotion of adoption as an alternative to placing a newborn in situations that create a serious risk to his or her health; and (b) methods of providing access to (i) the medical history of the parents of a newborn who is transferred to a hospital pursuant to section 2 of this act; and (ii) the medical history of the newborn, consistent with the protection of the anonymity of the parents of the newborn.

(2) In addition to the secretary, or the secretary's designee, the task force shall include but not be limited to representation from the following: (a) Licensed physicians; (b) public and private agencies which provide adoption services; (c) private attorneys handling adoptions; (d) the licensed nursing community; (e) hospitals; (f) prosecuting attorneys; (g) foster parents; (h) the department of health; (i) the attorney general; (j) advocacy groups concerned with the availability of adoption records; (k) risk managers; and (l) the public. At least three members of the task force shall be public members. The task force may seek input from other experts as needed.

(3) Members of the task force shall serve without compensation.

(4) The task force shall submit its report and recommendations to the governor and legislature not later than December 1, 2002.

(5) This section expires January 1, 2004.

NEW SECTION. **Sec. 10.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 11.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Tokuda and Kagi spoke in favor of passage of the bill.

Representative Boldt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5236, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5236, as amended by the House and the bill passed the House by the following vote: Yeas - 85, Nays - 8, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 85.

8. Voting nay: Representatives Anderson, Ballard, Boldt, Bush, Cox, Dunn, Mielke, and Pflug -
Excused: Representatives Casada, Edwards, Lysen, McMorris, and Miloscia - 5.

Engrossed Substitute Senate Bill No. 5236, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6236, by Senators West, Snyder and Gardner

Revising restrictions on mailings by legislators.

The bill was read the second time.

Representative Ruderman moved the adoption of amendment (430):

On page 1, line 9, after "not" strike all words through "electronic mail," on line 10 and insert "~~((mail, either by regular mail or electronic mail,--))~~by regular mail send"

On page 2, after line 30, insert the following:

"(6) During the period beginning on the forty-fifth day after the date of the adjournment of a regular legislative session in the year of a general election for a state legislator's election to office and continuing through the day immediately after the general election, the restrictions in subsection (1) of this section apply to letters, newsletters, brochures, or other pieces of literature sent by electronic mail at public expense."

Representatives Ruderman and Nixon spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6236, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6236, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Edwards, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6236, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6412, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Kohl-Welles, Costa, Prentice, Winsley, Long, Keiser and Benton)

Regulating disclosure of information by international matchmaking organizations.

The bill was read the second time.

There being no objection, the committee recommendation was not adopted.

Representative Veloria moved the adoption of the following amendment (418):

On page 2, line 11, after "request." insert "The notice that background check and marital history information is available upon request shall be in the recruit's native language and shall be displayed in a manner that separates it from other information, is highly noticeable, and in lettering not less than one-quarter of an inch high."

Representatives Veloria and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6412, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6412, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Casada, Edwards, Lysen, McMorris, and Miloscia - 5.

Engrossed Substitute Senate Bill No. 6412, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 7, 2002, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTY SECOND DAY, MARCH 6, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 7, 2002

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shawna Glover and Sheron Rogers. Prayer was offered by Representative Toby Nixon.

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

RESOLUTION

HOUSE RESOLUTION NO. 2002-4710, by Representatives Delvin and Hankins

WHEREAS, It is the tradition of the Washington State House of Representatives to recognize and honor excellence in all fields of endeavor; and

WHEREAS, Captain Steven L. Voigt, a member of the organization known as Hanford Patrol, being tasked with the safeguard and security of the Hanford Site, has distinguished himself as the premier pistol marksman amongst all Washington state law enforcement officers and officials; and

WHEREAS, Captain Steven L. Voigt has achieved the rank of number one marksman on the WASHINGTON STATE GOVERNOR'S TOP TWENTY lists of law enforcement officers and officials of the year of 2001; and

WHEREAS, Captain Steven L. Voigt has achieved this distinct honor a legendary twenty consecutive years (1981-2001); and

WHEREAS, Captain Steven L. Voigt has performed this remarkable achievement with an average score of 1491.05 points out of a possible 1500 points during the span of twenty consecutive years; and

WHEREAS, Captain Steven L. Voigt currently possesses two Washington state pistol marksmanship records and five national pistol marksmanship records; and

WHEREAS, Captain Steven L. Voigt has competed in and has reigned victorious in the prestigious Washington State Police Pistol Championships on fourteen occasions; and

WHEREAS, Captain Steven L. Voigt has devoted countless hours in preparation and training to become the Elite Marksman of all Washington State's elite marksmen;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Steven L. Voigt, Captain, Hanford Patrol and outstanding citizen of the City of Kennewick for his exemplary skills, outstanding achievements and incredible consistence, and phenomenal performance in pistol shooting and competition; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Steven L. Voigt; Keith A. Klein, Manager, Department of Energy Hanford Site; Allen B. Bowser, General Manager, Protection Technology, Inc.; Gregory P. McDowell, Chief of Hanford Patrol; and Bruce Cameron, Hanford Patrol Training Academy (PTA) Manager so that this record may be displayed at the PTA, and all who enter the PTA may observe and marvel at the pinnacle one man has achieved.

Representative Delvin moved the adoption of the resolution.

Representatives Delvin and Hankins spoke in favor of the adoption of the resolution.

House Resolution No. 4710 was adopted.

MESSAGES FROM THE SENATE

March 6, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 2311,
SUBSTITUTE HOUSE BILL NO. 2502,
SUBSTITUTE HOUSE BILL NO. 2536,
HOUSE BILL NO. 2571,
SUBSTITUTE HOUSE BILL NO. 2629,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 6, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2308,
HOUSE BILL NO. 2345,
SUBSTITUTE HOUSE BILL NO. 2437,
HOUSE BILL NO. 2471,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 6, 2002

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1248,
ENGROSSED HOUSE BILL NO. 2288,
HOUSE BILL NO. 2299,
HOUSE BILL NO. 2303,
HOUSE BILL NO. 2370,
SUBSTITUTE HOUSE BILL NO. 2381,
HOUSE BILL NO. 2401,
HOUSE BILL NO. 2467,
ENGROSSED HOUSE BILL NO. 2491,
HOUSE BILL NO. 2493,
SUBSTITUTE HOUSE BILL NO. 2592,
HOUSE BILL NO. 2625,
SUBSTITUTE HOUSE BILL NO. 2754,
HOUSE BILL NO. 2809,
ENGROSSED HOUSE JOINT MEMORIAL NO. 4025,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5827,
SENATE BILL NO. 5832,
SUBSTITUTE SENATE BILL NO. 6267,

SENATE BILL NO. 6283,
SENATE BILL NO. 6293,
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SENATE BILL NO. 6429,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6449,
SENATE BILL NO. 6482,
SENATE BILL NO. 6491,
SENATE BILL NO. 6511,
SENATE BILL NO. 6526,
SENATE BILL NO. 6529,
SENATE BILL NO. 6596,
SENATE BILL NO. 6601,
SENATE BILL NO. 6627,
SENATE BILL NO. 6628,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The President has signed:

and the same is herewith transmitted.

SUBSTITUTE SENATE BILL NO. 6537,

Tony M. Cook, Secretary

SECOND READING

SENATE BILL NO. 6652, by Senators Prentice and Haugen

Regulating cosmetology, barbering, manicuring, and esthetics.

The bill was read the second time.

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

Representatives Kenney and Clements spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Woods, Representatives Armstrong and McMorris were excused. On motion of Representative Santos, Representatives Lysen and Miloscia were excused.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6652.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6652 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Buck, Hurst, McIntire, and Schoesler - 4.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 6652, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5064, by Senators Prentice and Winsley; by request of Gambling Commission

Defining degrees of gambling cheating.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives O'Brien and Morell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5064, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5064, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representative Quall - 1.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 5064, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5138, by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

Increasing the weight of vehicles exempted from scale stops.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5138, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5138, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Uptegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representatives Anderson, and Pflug - 2.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 5138, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5166, by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Horn, Shin, Jacobsen and McAuliffe)

Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Kenney spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5166, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5166, as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Substitute Senate Bill No. 5166, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 5209, by Senate Committee on Transportation
(originally sponsored by Senators T. Sheldon, Swecker, Regala, Rossi, Prentice and Costa)**

**Allowing federally recognized Indian tribes to buy surplus real property from the
department of transportation.**

The bill was read the second time.

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

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5209.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5209 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Substitute Senate Bill No. 5209, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5523, by Senators Horn, Rossi and Snyder

Authorizing an offset for certain overpayments of tax concerning leased equipment.

The bill was read the second time.

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

Representative Gombosky spoke in favor of passage of the bill.

the Speaker stated the question before the House to be the final passage of Senate Bill No. 5523.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5523 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 5523, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5692, by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

Creating youth courts.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendment. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Carrell moved the adoption of the following amendment (450):

On page 1, line 27 of the amendment, after "infraction" strike "referred to a youth court"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of the following amendment (447):

Beginning on page 5, line 3 of the amendment, strike all material through "RCW." on page 20, line 5 of the amendment

Renumber the remaining sections consecutively and correct the title.

Representative Carrell spoke in favor of the adoption of the amendment.

Representatives Dickerson and Dunn spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of the following amendment (448):

On page 15, line 27 of the amendment, after "(a)" insert "Have been charged with misdemeanors or gross misdemeanors and who have not been previously referred to a diversion unit or have not been previously adjudicated for any offense;

(b)"

Re-letter the remaining subsections consecutively.

On page 14, line 28 of the amendment, after "offenders" insert "who have not been previously referred to a diversion unit or have not been previously adjudicated for any offense"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of the following amendment (449):

On page 16, line 1 of the amendment, after "(3)" insert "Youth courts shall not exercise authority over a juvenile unless the victim, if any, or the victim's family, consents to the juvenile entering into youth court.

(4)"

Renumber the remaining subsections consecutively.

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

The amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Dickerson, Delvin, Dunn and Clements spoke in favor of passage of the bill.

Representative Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5692, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5692, as amended by the House and the bill passed the House by the following vote: Yeas - 76, Nays - 18, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Ballasiotes, Barlean, Benson, Berkey, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 76.

Voting nay: Representatives Anderson, Ballard, Boldt, Buck, Bush, Carrell, Chandler, Cox, Crouse, Holmquist, Lisk, Mielke, Mulliken, Pflug, Schindler, Schoesler, Sump, and Talcott - 18.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Engrossed Senate Bill No. 5692, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5735, by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

Allowing motorcycles to have blue dot taillights.

The bill was read the second time.

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

Representatives Hankins, Lovick and Van Luven spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5735 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 4, Not Voting - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Not Voting: Representative O'Brien - 1.

Senate Bill No. 5735, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Senate Bill No. 5735 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5735 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5735 on reconsideration, and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 5735, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Engrossed Senate Bill No. 5692 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5692 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5692 on reconsideration, and the bill passed the House by the following vote: Yeas - 78, Nays - 16, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Ballasiotes, Barlean, Benson, Berkey, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 78.

Voting nay: Representatives Anderson, Ballard, Boldt, Buck, Bush, Carrell, Chandler, Crouse, Lisk, Mielke, Mulliken, Pflug, Schindler, Schoesler, Sump, and Talcott - 16.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Engrossed Senate Bill No. 5692, on reconsideration, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5777, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Prentice, Winsley, Thibaudeau, Deccio and Rasmussen)

Permitting retired and disabled employees to obtain health insurance.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5777, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5777, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Engrossed Substitute Senate Bill No. 5777, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5823, by Senate Committee on Education (originally sponsored by Senator McAuliffe; by request of Academic Achievement and Accountability Commission)

Repealing student improvement goals.

The bill was read the second time.

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

Representatives Talcott and Haigh spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5823.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5823 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee,

Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 5823, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5999, by Senators B. Sheldon, Fairley, Carlson, Snyder, Rossi, Costa, Eide, Kline and Winsley

Modifying the telephone assistance program.

The bill was read the second time.

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

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5999.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5999 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 5999, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6248, by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Kohl-Welles, Kline and Brown)

Funding bicycle and pedestrian safety.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was before the House for purpose of amendments. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Casada moved the adoption of amendment (467) to the committee amendment:

On page 2, after line 22 of the amendment, insert the following:

"**Sec. 4.** RCW 46.16.319 and 1997 c 234 s 1 are each amended to read as follows:

(1) Veterans discharged under honorable conditions (veterans) and individuals serving on active duty in the United States armed forces (active duty military personnel) may purchase a veterans remembrance emblem or campaign medal emblem. The emblem is to be displayed on vehicle license plates in the manner described by the department, existing vehicular licensing procedures, and current laws.

(2) Veterans and active duty military personnel who served during periods of war or armed conflict may purchase a remembrance emblem depicting campaign ribbons which they were awarded.

(3) The following campaign ribbon remembrance emblems are available:

(a) World War I victory medal;

(b) World War II Asiatic-Pacific campaign medal;

(c) World War II European-African Middle East campaign medal;

(d) World War II American campaign medal;

(e) Korean service medal;

(f) Vietnam service medal;

(g) Armed forces expeditionary medal awarded after 1958; (~~and~~)

(h) Southwest Asia medal; and

(i) Distinguished Flying Cross medal.

The director may issue additional campaign ribbon emblems by rule as authorized decorations by the United States department of defense.

(4) Veterans or active duty military personnel requesting a veteran remembrance emblem or campaign medal emblem or emblems must:

(a) Pay a prescribed fee set by the department; and

(b) Show proof of eligibility through:

(i) Providing a DD-214 or discharge papers if a veteran;

(ii) Providing a copy of orders awarding a campaign ribbon if an individual serving on military active duty; or

(iii) Attesting in a notarized affidavit of their eligibility as required under this section.

(5) Veterans or active duty military personnel who purchase a veteran remembrance emblem or a campaign medal emblem must be the legal or registered owner of the vehicle on which the emblem is to be displayed."

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment 467 to Substitute Senate Bill No. 6248.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield, your point of order is well taken."

There being no objection, the committee amendment was adopted.

Representative Mitchell moved the adoption of amendment (406):

On page 2 line 16 after "dollars. The" insert"

"All monies collected shall first go to the department to be deposited into the motor vehicle fund until all expenses of designing and producing the emblems are recovered. Thereafter, the"

Representatives Mitchell and Wood spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Delvin moved the adoption of amendment (471):

On page 2, after line 23, insert the following:

"NEW SECTION. Sec. 4. The legislature recognizes that good language skills are essential for productive adults and that public schools in the state of Washington provide trained speech pathologists to assist children who lack adequate verbal communication skills to compete successfully in the challenges of securing an education. It recognizes that the task of teaching students to speak well is a formidable one and sees shrinking public funding as an obstacle in providing sufficient professional staff to realize that goal. It further recognizes that professionally trained and nationally certified speech pathologists are provided at no cost by nonprofit charitable organizations to preschool and school-age children. To aid the public schools in teaching essential speech skills, a "Help Kids Speak" license plate emblem is established.

NEW SECTION. Sec. 5. A new section is added to chapter 46.04 RCW to read as follows: "Help Kids Speak license plate emblems" means emblems on valid Washington license plates that display a symbol of a nonprofit, charitable organization that provides no-fee nationally certified speech pathologists to teach youngsters to speak.

NEW SECTION. Sec. 6. A new section is added to chapter 46.16 RCW to read as follows: (1) In cooperation with the Washington state patrol and the department of licensing, the sponsors of the "Help Kids Speak" program shall create and design, and the department shall issue, "Help Kids Speak" license plate emblems displaying a symbol of a nonprofit charitable organization and the words "Help Kids Speak" that may be used on motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. These license plate emblems will commemorate the "Help Kids Speak" organization.

(2) Effective with vehicle registrations due or to become due on January 1, 2003, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of "Help Kids Speak" license plate emblems shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the proceeds to the "Help Kids Speak" account established under section 7 of this act.

(3) Effective with annual renewals due or to become due on January 1, 2004, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of "Help Kids Speak" license plate emblems shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the "Help Kids Speak" account established under section 7 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The "Help Kids Speak" program is created. The purpose of the program is to provide grants to nonprofit, charitable organizations, incorporated under the laws of the state of Washington that do not discriminate in any way, and that provide nationally certified speech pathologists on a no-fee basis to youngsters, regardless of their economic status, whether enrolled in a public, private, or home school, of preschool or school age, and who have displayed a lack of verbal communication skills; including in the grant application a finding that there is, on staff of the nonprofit, charitable organization, nationally certified speech pathologists trained in the techniques of teaching youngsters essential communication skills. The superintendent of public instruction shall administer the grant program.

(2) The "Help Kids Speak" account is established in the custody of the state treasurer. All receipts, except as provided in section 6 (2) and (3), from "Help Kids Speak" license plate emblems

must be deposited into the account. Expenditures from the account may be used only to fund the grant program under subsection (1) of this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and no appropriation is required for expenditures."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment 471 to Substitute Senate Bill No. 6248.

SPEAKER'S RULING

GET SCOPE & OBJECT RULING

The Speaker : Representative Hatfield, your point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Wood and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6248, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6248, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 6248, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6266, by Senators Johnson and Kline

Updating creditor/debtor personal property exemptions.

The bill was read the second time.

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

Representatives Lantz and Carrell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6266.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6266 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6266, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6272, by Senators Long, Hargrove and Costa; by request of Department of Social and Health Services

Authorizing contracts for provision of basic medical care to sexually violent predators.

The bill was read the second time.

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

Representatives Lantz and Ballasiotes spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6272.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6272 and the bill passed the House by the following vote: Yeas - 79, Nays - 14, Absent - 0, Excused - 5.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, McDermott, McIntire, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 79.

Voting nay: Representatives Ahern, Alexander, Benson, Boldt, Carrell, Crouse, DeBolt, Dunn, Mastin, Mielke, Mulliken, Orcutt, Schindler, and Sump - 14.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6272, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6282, by Senate Committee on Transportation
(originally sponsored by Senators Horn, Haugen, B. Sheldon, Costa, Morton, Honeyford, Hale,
Stevens, Finkbeiner and Oke)**

Allowing private motorcycle skills courses.

The bill was read the second time.

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

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6282.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6282 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 6282, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6316, by Senators Kastama, Horn, Prentice, Johnson, Eide, Finkbeiner, McCaslin, McDonald, Swecker, Jacobsen, Fairley, Oke, Costa, Thibaudeau, Morton and Benton

Regulating electric personal assistive mobility devices.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was before the House for purposes of amendments. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Cooper moved the adoption of amendment (444):

On page 4, line 3 after "traffic." insert:

"(c) A state agency or local government may regulate the operation of an EPAMD within the boundaries of any area used for recreation, open space, habitat, trails, or conservation purposes."

Representative Cooper spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Cooper and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6316, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6316, as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 91.

Voting nay: Representatives Lisk, and Simpson - 2.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Engrossed Senate Bill No. 6316, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6372, by Senators Fraser and Winsley; by request of Department of Personnel

Creating the combined fund drive account.

The bill was read the second time.

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

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6372.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6372 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero,

Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6372, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6402, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, Long, Thibaudeau and Kline)

Providing for legal financial obligation deductions from inmate funds and wages.

The bill was read the second time.

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

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6402.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6402 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Substitute Senate Bill No. 6402, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6428, by Senate Committee on Judiciary (originally sponsored by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Kohl-Welles; by request of Governor Locke and Attorney General)

Providing for loss prevention review teams.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Carrell moved the adoption of amendment (452):

On page 1, line 13, after "testify" insert "except under limited circumstances"

On page 1, line 15, after "proceedings" insert "except under limited circumstances"

On page 3, line 10, after "(2)" insert "(a) The final report of a loss prevention review team is admissible in a civil or administrative proceeding if: (i) The proceeding is instituted after the issuance of the final report of the loss prevention review team, (ii) the proceeding involves a cause of action that accrued at least twelve months after the issuance of the final report, and (iii) the proceeding involves the same or similar circumstances involved in the accident or loss that led to the appointment of the loss prevention review team.

(b)"

On page 3, line 21, strike "No" and insert "(a) Except as provided in (b) of this subsection, no"

On page 3, line 22, strike "(a)" and insert "(i)"

On page 3, line 23, strike "(b)" and insert "(ii)"

On page 3, line 23, strike "(c)" and insert "(iii)"

On page 3, line 26, strike "(d)" and insert "(iv)"

On page 3, after line 29, insert:

"(b) A member of a loss prevention review team may be examined in a civil or administrative proceeding as to any information relating to the work of the loss prevention review team or the incident under review if: (i) The proceeding is instituted after the issuance of the final report of the loss prevention review team, (ii) the proceeding involves a cause of action that accrued at least twelve months after the issuance of the final report, and (iii) the proceeding involves the same or similar circumstances involved in the accident or loss that led to the appointment of the loss prevention review team."

On page 3, line 30, after "(4)" insert "(a)"

On page 3, line 36, after "However," insert "except as provided in (b) of this subsection,"

On page 4, after line 4, insert the following:

"(b) A person who has been interviewed by or has provided a statement to a loss prevention review team may be examined in a civil or administrative proceeding regarding that person's interactions with the loss prevention review team if: (i) The proceeding is instituted after the issuance of the final report of the loss prevention review team, (ii) the proceeding involves a cause of action that accrued at least twelve months after the issuance of the final report, and (iii) the proceeding involves the same or similar circumstances involved in the accident or loss that led to the appointment of the loss prevention review team."

On page 4, line 7, after "proceeding," insert "except under the same circumstances for which a final report is admissible under subsection (2)(a) of this section, and"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Alexander and Lantz spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6428, as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 4, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 89.

Voting nay: Representatives Ballasiotes, Boldt, Carrell, and Mitchell - 4.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Engrossed Substitute Senate Bill No. 6428, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6484, by Senators Haugen, Swecker, Rossi, Regala, B. Sheldon, Finkbeiner, T. Sheldon, Kastama, Jacobsen, Rasmussen, Winsley and Johnson

Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements.

The bill was read the second time.

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

Representative Lantz spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6484.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6484 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6484, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6539, by Senators T. Sheldon, Poulsen and Rossi; by request of Department of Revenue

Implementing the federal mobile telecommunications sourcing act.

The bill was read the second time.

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

Representative Ruderman spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6539.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6539 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Senate Bill No. 6539, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6703, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen, Hochstatter, Shin, Sheahan, Swecker, Hewitt, Honeyford and Hale)

Changing timing provisions relating to agricultural liens.

The bill was read the second time.

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

Representative Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6703.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6703 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Ballard, Lysen, McMorris, and Miloscia - 5.

Engrossed Substitute Senate Bill No. 6703, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6763, by Senators Costa, Hargrove, Long, Carlson, Winsley and Kohl-Welles

Creating a task force on services for crime victims.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Criminal Justice & Corrections was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives O'Brien and Ballasiotes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6763, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6763, as amended by the House and the bill passed the House by the following vote: Yeas - 88, Nays - 6, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 88.

Voting nay: Representatives Chandler, Cox, Crouse, Lisk, Mulliken, and Schindler - 6.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Senate Bill No. 6763, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6787, by Senate Committee on Ways & Means
(originally sponsored by Senators B. Sheldon, Rasmussen and Oke; by request of Department of Revenue)**

Exempting organ procurement organizations from taxation.

The bill was read the second time.

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

Representative Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6787.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6787 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Substitute Senate Bill No. 6787, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

Accommodating children with diabetes in schools.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Education was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

Representative Cody moved the adoption of amendment (379):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

The legislature finds that diabetes imposes significant health risks to students enrolled in the state's public schools and that providing for the medical needs of students with diabetes is crucial to ensure both the safety of students with diabetes and their ability to obtain the education guaranteed to all citizens of the state. The legislature also finds that children with diabetes can and should be provided with a safe learning environment and access to all other nonacademic school sponsored

activities. The legislature further finds that an individual health plan for each child with diabetes should be in place in the student's school and should include provisions for a parental signed release form, medical equipment and storage capacity, and exceptions from school policies, school schedule, meals and eating, disaster preparedness, inservice training for staff, legal documents for parent-designated adults who may provide care, as needed, and personnel guidelines describing who may assume responsibility for activities contained in the student's individual health plan.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) School districts shall provide individual health plans for students with diabetes, subject to the following conditions:

(a) The board of directors of the school district shall adopt policies to be followed for students with diabetes. The policies shall include, but need not be limited to:

(i) The acquisition of parent requests and instructions;

(ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;

(iii) The provision for storage of medical equipment and medication provided by the parent;

(iv) The provision for students to perform blood glucose tests, administer insulin, treat hypoglycemia and hyperglycemia, and have easy access to necessary supplies and equipment to perform monitoring and treatment functions as specified in the individual health plan. The policies shall include the option for students to carry on their persons the necessary supplies and equipment and the option to perform monitoring and treatment functions anywhere on school grounds including the students' classrooms, and at school-sponsored events;

(v) The establishment of school policy exceptions necessary to accommodate the students' needs to eat whenever and wherever necessary, have easy, unrestricted access to water and bathroom use, have provisions made for parties at school when food is served, eat meals and snacks on time, and other necessary exceptions as described in the individual health plan;

(vi) The assurance that school meals are never withheld because of nonpayment of fees or disciplinary action;

(vii) A description of the students' school day schedules for timing of meals, snacks, blood sugar testing, insulin injections, and related activities;

(viii) The development of individual emergency plans;

(ix) The establishment of inservice training for staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school sponsored activities;

(x) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the students;

(xi) The possession of legal documents for parent-designated adults to provide care, if needed; and

(xii) The updating of the individual health plan at least annually or more frequently, as needed; and

(b) The board of directors, in the course of developing the policies in (a) of this subsection, shall seek advice from one or more licensed physicians or nurses or diabetes educators who are nationally certified.

(2)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from or through the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with diabetes to ensure

a safe, therapeutic learning environment. Training may also be provided by a diabetes educator who is nationally certified. Training and supervision requirements under this subsection do not extend to parent-designated adults.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.210 RCW to read as follows:

A school district, school district employee, agent, or parent-designated adult who, acting in good faith and in substantial compliance with the student's individual health plan and the instructions of the student's licensed health care professional, provides assistance or services under section 1 or 2 of this act shall not be liable in any criminal action or for civil damages in his or her individual or marital or governmental or corporate or other capacities as a result of the services provided under section 1 or 2 of this act to students with diabetes.

NEW SECTION. **Sec. 4.** This act takes effect July 1, 2002."

Correct the title.

Representative Schual-Berke moved the adoption of amendment (445) to amendment (379):

On page 2, line 23 of the amendment, strike all of subsection (ix)

Renumber the remaining subsections consecutively.

On page 3, after line 20 of the amendment, insert the following:

"NEW SECTION. **Sec. 3.** The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all schools districts providing for the inservice training for school staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school sponsored events. The policy shall include the standards and skills that must be in place for inservice training of school staff."

Renumber the remaining sections accordingly.

Representatives Schual-Berke and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schual-Berke moved the adoption of amendment (446) to amendment (379):

On page 2, line 39 of the amendment, strike "may be" and insert "is"

Representatives Schual-Berke and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schual-Berke moved the adoption of amendment (468) to amendment (379):

On page 3, line 18, strike "Training" and all material through "adults." on line 20

Representatives Schual-Berke and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

The question before the House was the adoption of amendment (379) as amended.

Representatives Cody, Talcott and Schual-Berke spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

The amendment (379) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Quall and Delvin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representative Hunt - 1.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Engrossed Substitute Senate Bill No. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5291, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Costa, Winsley, Franklin and Fraser)

Requiring certain immunizations of staff and residents of long-term care facilities.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Health Care was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

With the consent of the House, amendment (431) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5291, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5291, as amended by the House and the bill passed the House by the following vote: Yeas - 91, Nays - 3, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 91.

Voting nay: Representatives Benson, Hankins, and Skinner - 3.

Excused: Representatives Armstrong, Lysen, McMorris, and Miloscia - 4.

Second Engrossed Substitute Senate Bill No. 5291, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5373, by Senators Sheahan, Kline, McCaslin, Thibaudeau, Kastama, Long, Roach, Johnson and Constantine

Changing mandatory arbitration of civil actions.

The bill was read the second time.

Representative Carrell moved the adoption of amendment (458):

On page 2, line 20, after "novo" insert "and against a party who does not appeal the award if the party who appeals does improve his or her position upon the trial de novo"

On page 2, line 29, after "filed." insert "After determining the amount of such costs and reasonable attorneys' fees that are to be assessed against either party, the court shall adjust the amount as follows: any portion of the amount represented by reasonable attorneys' fees or expenses related to expert witness testimony shall be multiplied by a fraction, the denominator of which is the difference between the amount of the offer of compromise and the arbitration award, or the amount of the arbitration award if no offer was made, and the numerator of which is the difference between the award at the trial and the offer of compromise, or the award at trial if no offer was made, except that the fraction may not represent a number greater than one."

Representative Carrell spoke in favor of the adoption of the amendment.

Representatives Lantz and Campbell spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (402):

On page 2, line 24, after "compromise" insert "or other settlement of the case"

Representative Carrell spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Esser moved the adoption of amendment (402):

On page 2, line 27, after "both," strike everything through "testimony."

Representatives Esser and Carrell spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendments (405) and (410) were withdrawn.

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

Representative Lantz spoke in favor of passage of the bill.

Representative Carrell spoke against passage of the bill.

COLLOQUY

Representative Esser:

Representative Lantz:

There being no objection, Representative Schmidt was excused.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5373.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5373 and the bill passed the House by the following vote: Yeas - 65, Nays - 28, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Ballasiotes, Berkey, Buck, Campbell, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 65.

Voting nay: Representatives Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Bush, Cairnes, Carrell, Casada, Chandler, Cox, Crouse, Dunn, Ericksen, Holmquist, Lisk, Mielke, Mulliken, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sehlin, Skinner, Sump, and Talcott - 28.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 5373, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6530, by Senators Rasmussen, Haugen, Long, Hale and Winsley

Adjusting the definition of salvage vehicles.

The bill was read the second time.

With the consent of the House, amendment (392) was withdrawn.

Representative Mielke moved the adoption of amendment (434):

On page 2, line 6, after "amount" insert "and has a model year designation of a calendar year not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged"

Representative Mielke spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6530, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6530, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Senate Bill No. 6530, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6726, by Senators Rasmussen and Honeyford

Protecting dairy farmers from unwarranted complaints.

The bill was read the second time.

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

Representatives Hunt and Schoesler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6726.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6726 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Senate Bill No. 6726, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6076, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Oke, T. Sheldon, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife)

Modifying the powers and duties of fish and wildlife law enforcement officers.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (443):

Strike everything after the enacting clause and insert:

"**Sec. 1.** RCW 10.93.020 and 1994 c 264 s 3 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol ((is a)), the state parks and recreation commission, and the department of fish and wildlife are general authority Washington law enforcement ((agency)) agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources(~~(, fish and wildlife,))~~ and social and health services, the state gambling commission, the state lottery commission, ~~((the state parks and recreation commission,))~~ the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer

for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. .2 RCW 10.93.140 and 1985 c 89 s 14 are each amended to read as follows:

This chapter does not limit the scope of jurisdiction and authority of the Washington state patrol, the state parks and recreation commission, and the department of fish and wildlife as otherwise provided by law, and ~~((the Washington state patrol))~~ these agencies shall not be bound by the reporting requirements of RCW 10.93.030.

Sec. 3. RCW 41.26.030 and 1996 c 178 s 11 and 1996 c 38 s 2 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the fire fighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or fire fighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or fire fighter:

(i) The legislative authority of any city, town, county, or district;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency; or

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996.

(3) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2)) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (3)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (3)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(4) "Fire fighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for fire fighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination;

(c) Supervisory fire fighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (4)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under RCW 41.26.030(2) as now or hereafter amended), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (4)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for fire fighter; and

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW.

(5) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(6) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

(7)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically handicapped as determined by the department, except a handicapped person in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation

months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(8) "Member" means any fire fighter, law enforcement officer, or other person as would apply under subsections (3) or (4) of this section whose membership is transferred to the Washington law enforcement officers' and fire fighters' retirement system on or after March 1, 1970, and every law enforcement officer and fire fighter who is employed in that capacity on or after such date.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) of this section.

(11)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(13)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(14)(a) "Service" for plan 1 members, means all periods of employment for an employer as a fire fighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a fire fighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(15) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(16) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(17) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(19) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(20) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(21) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(22) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

- (i) The fees of the following:
 - (A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;
 - (B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;
 - (C) A chiropractor licensed under the provisions of chapter 18.25 RCW.
- (ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.
- (iii) The charges for the following medical services and supplies:
 - (A) Drugs and medicines upon a physician's prescription;
 - (B) Diagnostic x-ray and laboratory examinations;
 - (C) X-ray, radium, and radioactive isotopes therapy;
 - (D) Anesthesia and oxygen;
 - (E) Rental of iron lung and other durable medical and surgical equipment;
 - (F) Artificial limbs and eyes, and casts, splints, and trusses;
 - (G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;
 - (H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;
 - (I) Nursing home confinement or hospital extended care facility;
 - (J) Physical therapy by a registered physical therapist;
 - (K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;
 - (L) An optometrist licensed under the provisions of chapter 18.53 RCW.
- (23) "Regular interest" means such rate as the director may determine.
- (24) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.
- (25) "Director" means the director of the department.
- (26) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).
- (27) "State elective position" means any position held by any person elected or appointed to state-wide office or elected or appointed as a member of the legislature.
- (28) "Plan 1" means the law enforcement officers' and fire fighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.
- (29) "Plan 2" means the law enforcement officers' and fire fighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.
- (30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.
- (31) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.
- (32) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol, the state parks and recreation commission, or the department of fish and wildlife. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources(~~(, fish and wildlife,)~~) and social and health services, the state gambling commission, the state lottery commission,~~((the state parks and recreation commission,))~~ the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

Sec. 4. RCW 77.12.055 and 2000 c 107 s 212 are each amended to read as follows:

- (1) Fish and wildlife officers and ex officio fish and wildlife officers shall enforce this title, rules of the department, and other statutes as prescribed by the legislature. ~~((However, when acting within the scope of these duties and when an offense occurs in the presence of the fish and wildlife~~

~~officer who is not an ex officio fish and wildlife officer, the fish and wildlife officer may enforce all criminal laws of the state. The fish and wildlife officer must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a course approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.))~~ Fish and wildlife officers who are not ex officio officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. An applicant for a fish and wildlife officer position must be a citizen of the United States of America who can read and write the English language. All fish and wildlife officers employed after the effective date of this section must successfully complete the basic law enforcement academy course, known as the basic course, sponsored by the criminal justice training commission, or the basic law enforcement equivalency certification, known as the equivalency course, provided by the criminal justice training commission. All officers employed on the effective date of this section must have successfully completed the basic course, the equivalency course, or the supplemental course in criminal law enforcement, known as the supplemental course, offered under chapter 155, Laws of 1985. Any officer who has not successfully completed the basic course, the equivalency course, or the supplemental course must complete the basic course or the equivalency course within fifteen months of the effective date of this section.

(2) Fish and wildlife officers are peace officers. However, nothing in this section or RCW 10.93.020 confers membership to such officers in the Washington law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW.

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) Fish and wildlife officers may serve and execute warrants and processes issued by the courts.

~~((5) Fish and wildlife officers may enforce RCW 79.01.805 and 79.01.810.~~

~~(6) Fish and wildlife officers are authorized to enforce all provisions of chapter 88.02 RCW and any rules adopted under that chapter, and the provisions of RCW 79A.05.310 and any rules adopted under that section.~~

~~(7) To enforce the laws of this title, fish and wildlife officers may call to their aid any ex officio fish and wildlife officer or citizen and that person shall render aid.))~~

Sec. 5. RCW 77.15.096 and 2001 c 253 s 26 are each amended to read as follows:

Fish and wildlife officers may inspect without warrant at reasonable times and in a reasonable manner the premises, containers, fishing equipment, fish, seaweed, shellfish, and wildlife, and records required by the department of any commercial fisher or wholesale dealer or fish buyer. Fish and wildlife officers may similarly inspect without warrant the premises, containers, fishing equipment, fish, shellfish, and wildlife, and records required by the department of any shipping agent or other person placing or attempting to place fish, shellfish, or wildlife into interstate commerce, any cold storage plant that the department has probable cause to believe contains fish, shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and wildlife officers may inspect without warrant the records required by the department of any retail outlet selling fish, shellfish, or wildlife, and, if the officers have probable cause to believe a violation of this title or rules of the commission has occurred, they may inspect without warrant the premises, containers, and fish, shellfish, and wildlife of any retail outlet selling fish, shellfish, or wildlife. Authority granted under this section does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution.

Sec. 6. RCW 79A.05.160 and 1965 c8 s 43.51.170 are each amended to read as follows:

(1) The members of the state parks and recreation commission and such of its employees as the commission may designate shall be vested with police powers to enforce the laws of this state.

(2) Nothing in this section or RCW 10.93.020 confers membership to such officers in the Washington law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW."

Correct the title.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (443) to Engrossed Substitute Senate Bill No. 6076.

SPEAKER'S RULING

Mr. Speaker: "Engrossed Substitute Senate Bill No. 6076 is entitled an act relating to "law enforcement officers of the Department of Fish and Wildlife". The amendment deals with law enforcement officers of a different department.

The amendment is beyond the scope and object of the bill.

Representative Hatfield, your point of order is well taken."

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

Representatives Lovick and Buck spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6076.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6076 and the bill passed the House by the following vote: Yeas - 81, Nays - 12, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Mastin, McDermott, McIntire, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 81.

Voting nay: Representatives Boldt, Chandler, Dunn, Holmquist, Lisk, Mielke, Mitchell, Mulliken, Orcutt, Pearson, Sommers, and Sump - 12.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Substitute Senate Bill No. 6076, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6665, by Senate Committee on Transportation (originally sponsored by Senators Johnson and Keiser)

Establishing cost-benefit criteria for SR 167.

The bill was read the second time.

With the consent of the House, amendment (474) was withdrawn.

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

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6665.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6665 and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Engrossed Substitute Senate Bill No. 6665, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6748, by Senate Committee on Transportation (originally sponsored by Senators Kline, Oke, Swecker and Haugen)

Revising vehicle impound and transfer procedures.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was before the House for purpose of amendments. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Rockefeller moved the adoption of amendment (424) to the committee amendment:

On page 4, line 4 of the amendment, after "vehicle" insert "from the date of sale thereafter"

On page 8, line 19 of the amendment, after "of the vehicle" insert "from the date of sale thereafter"

Representative Rockefeller spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Fisher moved the adoption of amendment (407) to the committee amendment:

On page 15, at the beginning of line 23 of the amendment, strike "registered owner of the vehicle" and insert "~~((registered owner of the vehicle))~~ person responsible under RCW 46.55.105"

Representative Fisher spoke in favor of the adoption of the amendment.

The amendment to the committee was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fish and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6748, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6748, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6748, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Second Engrossed Substitute Senate Bill No. 5291 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5291 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5291 on reconsideration, and the bill passed the House by the following vote: Yeas - 91, Nays - 2, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 91.

Voting nay: Representatives Benson, and Mielke - 2.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Second Engrossed Substitute Senate Bill No. 5291, on reconsideration, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 7, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2662,

Tony M. Cook, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 6409, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Hargrove, Johnson, Rossi, Rasmussen, Honeyford, Gardner, Finkbeiner and Hale)

Requiring an opportunity for a cure before an action on a construction defect may be filed.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Judiciary was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Lantz, Carrell and Reardon spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6409, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6409, as amended by the House and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Excused: Representatives Armstrong, Lysen, McMorris, Miloscia, and Schmidt - 5.

Substitute Senate Bill No. 6409, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:00 a.m., March 8, 2002, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTY THIRD DAY, MARCH 7, 2002

OPR --

OPR --

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 8, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joy Bacon and Miguel Pineda. Prayer was offered by Representative Mike Cooper.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4730, by Representatives Chase, Skinner, Kenney, Woods, Darneille, Hankins, Edwards, Ballasiotes, Grant, Mitchell, Veloria, Talcott, Santos, Cody, Conway, McIntire, Hatfield, Wood, Linville, Romero, Fromhold, Berkey, Ruderman, Ogden, Hunt, Kagi, Sullivan, Dunshee, Kirby, Cooper, Fisher, Murray, Lovick, Upthegrove, Lantz, Miloscia, O'Brien, Morris, Rockefeller, Jackley, Reardon, Simpson, Kessler, Lysen, Hurst, Quall, Schual-Berke, Gombosky, Dickerson, Sommers, Doumit, Eickmeyer and Tokuda

WHEREAS, Women of every age, race, ethnicity, religion, sexual orientation, economic status, occupation, and degree of ability or disability have made considerable contributions to the growth and development of our communities, states, country, and nations around the world; and

WHEREAS, Women have played a critical role in the social, cultural, and spiritual development of communities around the globe; and

WHEREAS, Women of all backgrounds have constituted significant portions of the labor force, whether working outside or inside the home, whether paid or as volunteers, and have played a critical role in the nurturing of our children; and

WHEREAS, Women have served as leaders of progressive social movements to secure individual rights and freedoms, and continue to lead efforts to eliminate discrimination and violence against all people and to promote equality, security, and peace; and

WHEREAS, Women have been largely unrecognized and undervalued for their historical and contemporary scientific, governmental, athletic, literary, and artistic accomplishments; and

WHEREAS, Women continue to experience day-to-day discrimination and continue to be victims of violence around the globe; and

WHEREAS, Washington State has been a champion of women's rights and a national leader in promoting progress for women, having been one of the first states to grant suffrage to women, and having the highest proportion of women legislators of any state legislature in the history of the United States; and

WHEREAS, 2002 is the ninety-second anniversary of women's suffrage in Washington State and the eighty-second anniversary of women's suffrage in the United States; and

WHEREAS, The United States of America, as a world leader, recognized the critical role of women in America by establishing March as National Women's History Month; and

WHEREAS, The United Nations has proclaimed March 8th to be International Women's Day since 1975; and

WHEREAS, The United Nations has established the Convention of the Elimination of All Forms of Discrimination Against Women in 1979 to affirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women; and

WHEREAS, 2002 is the seventh anniversary of the 1995 World Conference on Women in Beijing, which brought together more than forty-seven thousand women and men from one hundred eighty-nine countries who unanimously agreed that inequalities between women and men create serious consequences for all people;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and celebrate the women of our state, country, and the world, and recognize March 8th as International Women's Day and March as National Women's History Month.

Representative Chase moved the adoption of the resolution.

Representatives Chase, Skinner, Romero, Hatfield, Ericksen, Schindler, Dickerson and Darneille spoke in favor of the adoption of the resolution.

House Resolution No. 4730 was adopted.

HOUSE RESOLUTION NO. 2002-4705, by Representatives Alexander and DeBolt

WHEREAS, It is the policy of the Washington State House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, Dr. Henry P. Kirk has served with distinction as President of Centralia College from 1986-2002; and

WHEREAS, During that time, the College has grown in quality of programs and services, academic and technology offerings, faculty and staff, and in student enrollment and campus facilities; and

WHEREAS, Under Dr. Henry P. Kirk's leadership, Centralia College has expanded into areas of Lewis and Thurston counties to increase access to provide individuals opportunity to build a better future for themselves and their families; and

WHEREAS, Dr. Henry P. Kirk was instrumental in establishing the Centralia College East campus and retraining center for residents of East Lewis County affected by the downturn of the timber industry; and

WHEREAS, Dr. Henry P. Kirk has provided professional leadership by serving as President of the Washington Community and Technical College Association and has been active in and has received recognition from state and national professional organizations; and

WHEREAS, Dr. Henry P. Kirk has interacted positively and productively with the Washington State Legislature by participating in the legislative process and making presentations to committees; and

WHEREAS, Dr. Henry P. Kirk has proven to be an innovative leader who has helped stimulate the economic development of the College service area by providing needed educational and training programs and by working as a member of the Lewis County Economic Development Council and other organizations promoting economic revitalization; and

WHEREAS, Dr. Henry P. Kirk has actively strengthened the community by serving in leadership positions for the Centralia-Chehalis Chamber of Commerce, Providence Hospital Foundation, United Way, City of Chehalis Historic Preservation Commission, Leadership Lewis County, Westminster Presbyterian Church, and other community organizations; and

WHEREAS, Dr. Henry P. Kirk has announced his intention to retire on June 30, 2002, having transformed Centralia College into an institution serving the community and training students for the 21st century and beyond;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Dr. Henry P. Kirk for his sixteen years as President of Centralia College, and forty years of service in higher education, and extend best wishes in his retirement effective June 30, 2002.

Representative Alexander moved the adoption of the resolution.

Representatives Alexander and Mastin spoke in favor of the adoption of the resolution.

House Resolution No. 4705 was adopted.

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

March 6, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

SENATE BILL NO. 6819,

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

HOUSE BILL NO. 1460,

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1196,
SECOND SUBSTITUTE HOUSE BILL NO. 1477,
HOUSE BILL NO. 2285,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2506,
HOUSE BILL NO. 2527,
HOUSE BILL NO. 2537,
HOUSE BILL NO. 2639,
SUBSTITUTE HOUSE BILL NO. 2648,
SUBSTITUTE HOUSE BILL NO. 2800,
SUBSTITUTE HOUSE BILL NO. 2834,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5770,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,
and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2284,
HOUSE BILL NO. 2317,
HOUSE BILL NO. 2320,
SUBSTITUTE HOUSE BILL NO. 2435,
HOUSE BILL NO. 2438,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 2015,
SECOND SUBSTITUTE HOUSE BILL NO. 2100,
SUBSTITUTE HOUSE BILL NO. 2301,
HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2308,
SECOND SUBSTITUTE HOUSE BILL NO. 2311,
HOUSE BILL NO. 2318,
SUBSTITUTE HOUSE BILL NO. 2347,
HOUSE BILL NO. 2358,
SUBSTITUTE HOUSE BILL NO. 2366,
ENGROSSED HOUSE BILL NO. 2399,
SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2415,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2437,
HOUSE BILL NO. 2450,
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SECOND SUBSTITUTE HOUSE BILL NO. 2511,
SUBSTITUTE HOUSE BILL NO. 2512,
SUBSTITUTE HOUSE BILL NO. 2513,
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HOUSE BILL NO. 2605,
SUBSTITUTE HOUSE BILL NO. 2673,
HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2895,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4026,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5827,
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SUBSTITUTE SENATE BILL NO. 6267,
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ENGROSSED SUBSTITUTE SENATE BILL NO. 6449,
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SENATE BILL NO. 6526,
SENATE BILL NO. 6529,
SUBSTITUTE SENATE BILL NO. 6537,
SENATE BILL NO. 6593,

SENATE BILL NO. 6601,
SENATE BILL NO. 6627,
SENATE BILL NO. 6628,

MESSAGES FROM THE SENATE

March 7, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

THIRD SUBSTITUTE SENATE BILL NO. 5514,

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5209,
SENATE BILL NO. 5523,
SENATE BILL NO. 5735,
SUBSTITUTE SENATE BILL NO. 5823,
SENATE BILL NO. 5999,
SENATE BILL NO. 6266,
SENATE BILL NO. 6272,
SUBSTITUTE SENATE BILL NO. 6282,
SENATE BILL NO. 6372,
SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6484,
SENATE BILL NO. 6539,
SENATE BILL NO. 6652,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6703,
SUBSTITUTE SENATE BILL NO. 6787,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 7, 2002

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5373,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6076,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
ENGROSSED SENATE BILL NO. 6726,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 6351, by Senate Committee on Education (originally sponsored by Senators Haugen, McAuliffe, Finkbeiner, Rasmussen, Hochstatter, Stevens, Eide, Kohl-Welles, Keiser and Oke)

Requiring notification policies regarding threats at schools.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendments. (For committee amendment, see Journal, 26th Day, February 28, 2002.)

Representative Talcott moved the adoption of amendment (420) to the committee amendment:

On page 1, beginning on line 11 of the amendment strike all material through "student" on line 20 and insert:

"(a)Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm";

(b)Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not be limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

(c)Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student"

Representatives Talcott and Haigh spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

Representative Carrell moved the adoption of amendment (432) to the committee amendment:

On page 1, line 17 of the amendment, after ";" strike "and"

On page 1, line 20 of the amendment, after "student" insert ";" and

(d) Procedures for disclosing information to local law enforcement agencies when school administrators become aware of evidence of misconduct by a student or school employee that the school administrator reasonably believes would constitute a criminal offense"

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on the amendment (432) to the committee amendment to Substitute House Bill No. 6351.

SPEAKER'S RULING

Mr. Speaker: "Substitute Senate Bill No. 6351 is entitled: "an act relating to safety of school employees and students". The bill and the committee amendment require the development of notification procedures for threats of violence or harm to students or school employees that are the subject of such threats.

Amendment (432) requires the adoption of policies notifying local law enforcement of any misconduct by a student or school employee that the school believes would constitute a criminal offense -- even if such misconduct did **not** involve threats of violence or harm to students or school employees.

According, the amendment is beyond the scope and object of the bill.

Mr Speaker : Representative Hatfield, your point of order is well taken."

Representative Anderson moved the adoption of amendment (421) to the committee amendment:

On page 1, on line 35 of the amendment, after "." insert the following:

"**NEW SECTION. Sec. 2.** If specific funding for the school safety center for fiscal year 2003 in the amount of at least \$100,000 is not provided by June 30, 2002, in the omnibus appropriations act, Section 1, subsection 2 of this act is null and void."

Correct the title.

Representatives Anderson and Haigh spoke in favor of the adoption of the amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Talcott, Haigh and Bush spoke in favor of passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Kirby and Quall were excused. On motion of Representative Woods, Representatives Armstrong and McMorris were excused.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6351, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6351, as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Kirby, McMorris, and Quall - 4.

Substitute Senate Bill No. 6351, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6381, by Senators Fraser, Winsley, Spanel, Regala and Jacobsen; by request of Joint Committee on Pension Policy

Separating from public employees' retirement system plan 1.

The bill was read the second time.

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

Representatives Alexander and Sommers spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6381.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6381 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, Kirby, McMorris, and Quall - 4.

Senate Bill No. 6381, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5354, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Patterson, Prentice, Winsley, Fraser, Fairley, Costa, Regala and McAuliffe; by request of Department of Community, Trade, and Economic Development)

Modifying mobile home relocation assistance.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, 46th Day, February 28, 2002.)

Representative DeBolt moved the adoption of amendment (466):

On page 2, line 15, after "basis." insert "The department shall give priority for distribution of relocation assistance to tenants residing in parks that are closed as a result of park-owner fraud or as a result of health and safety concerns as determined by the local board of health."

Representatives DeBolt and Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dunshee moved the adoption of amendment (451):

On page 2, line 17, after "funds." insert "Eligibility for relocation assistance funds is limited to low income households. As used in this section, "low income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the mobile or manufactured home is located."

Representatives Dunshee and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Dunshee and Dunn spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5354, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5354, as amended by the House and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Ballasiotes, Berkey, Buck, Cairnes, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pflug, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Anderson, Ballard, Barlean, Benson, Boldt, Bush, Campbell, Carrell, Casada, Chandler, Cox, Crouse, Delvin, Esser, Holmquist, Lisk, Mastin, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Roach, Schindler, Schoesler, and Sump - 28.

Excused: Representatives Armstrong, Kirby, McMorris, and Quall - 4.

Second Substitute Senate Bill No. 5354, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6342, by Senate Committee on Ways & Means (originally sponsored by Senators Poulsen and Gardner; by request of Department of Revenue)

Adopting the simplified sales and use tax administration act.

The bill was read the second time.

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

Representative Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6342.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6342 and the bill passed the House by the following vote: Yeas - 86, Nays - 8, Absent - 0, Excused - 4.

Voting yea: Representatives Alexander, Anderson, Ballard, Ballasiotes, Barlean, Berkey, Boldt, Buck, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 86.

Voting nay: Representatives Ahern, Benson, Bush, Carrell, Crouse, Mulliken, Roach, and Schindler - 8.

Excused: Representatives Armstrong, Kirby, McMorris, and Quall - 4.

Substitute Senate Bill No. 6342, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5209,
SENATE BILL NO. 5373,
SENATE BILL NO. 5523,
SENATE BILL NO. 5735,
SUBSTITUTE SENATE BILL NO. 5823,
SENATE BILL NO. 5999,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6076,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6665,
SENATE BILL NO. 6266,
SENATE BILL NO. 6272,
SUBSTITUTE SENATE BILL NO. 6282,
SENATE BILL NO. 6372,
SUBSTITUTE SENATE BILL NO. 6402,
SENATE BILL NO. 6484,
SENATE BILL NO. 6539,
SENATE BILL NO. 6652,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6703,
ENGROSSED SENATE BILL NO. 6726,
SUBSTITUTE SENATE BILL NO. 6787,

There being no objection, the Rules Committee was relieve of further consideration of Engrossed Substitute Senate Bill No. 6464 and the bill was placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 6709, by Senators Eide, Costa, Rasmussen, Thibaudeau, Prentice, Fraser, Kohl-Welles, McAuliffe, Haugen and Keiser

Addressing service and education planning for children in out-of-home care.

The House returned to consideration of this bill. On March 6, 2002, the House adopted the committee amendment by the Committee on Children and Family Services. A scope and object ruling was requested on amendment (433). On this day the request for a scope and object ruling was withdrawn because amendment (433) was withdrawn.

Representative Kagi moved the adoption of the following amendment (414):

Strike everything after the enacting clause and insert:

"NEW SECTION. Sec. 1. (1) Within existing resources, the department of social and health services, in cooperation with the office of the superintendent of public instruction, shall convene a working group to prepare a plan for the legislature which addresses educational stability and continuity for school age children who enter into short term foster care. The working group shall be comprised of representatives from:

- (a) The children's administration of the department of social and health services;
- (b) The special education, transportation, and apportionment divisions of the office of the superintendent of public instruction;
- (c) The Washington state institute for public policy;
- (d) School districts;

(e) Organizations that regularly advocate for foster children;

(f) Foster parents; and

(g) Other individuals with related expertise as deemed appropriate by the working group.

(2)(a) The working group shall develop a plan for assuring that the best interests of the child are a primary consideration in the school placement of a child in short-term foster care. The plan must:

(i) Determine the current status of school placement for children placed in short-term foster care;

(ii) Identify options and possible funding sources from existing resources which could be made available to assure that children placed in short-term foster care are able to remain in the school where they were enrolled prior to placement;

(iii) Submit recommendations to the legislature by November 1, 2002, to assure the best interest of the child receives primary consideration in school placement decisions.

(b) The plan shall be developed within existing resources.

NEW SECTION. Sec. 2. (1) The Nooksack Valley and Mount Vernon school districts shall implement a pilot project within existing resources to assist school age children in foster care fewer than seventy-five days to continue attending the school where they were enrolled before entering foster care. The pilot project shall be implemented as provided in this section no later than April 30, 2002, and shall conclude June 30, 2003. Data from the pilot project shall be compiled and submitted to the working group established in section 1 of this act no later than July 30, 2002, and periodically thereafter.

(2) For the purposes of the pilot project in the two school districts, the department of social and health services and the school districts shall, as appropriate, undertake the following activities:

(a) A school age child who enters foster care on or after April 30, 2002, shall, unless it is determined to be not in the best interest of the child, continue attending the school where she or he was enrolled before entering foster care, notwithstanding the physical location of the child's principal abode. The best interest of the child determination shall be made at the seventy-two hour shelter care hearing, and reviewed at any subsequent shelter care hearing.

(b) The department of social and health services, the school the child was attending prior to entering foster care, and the school that serves the child's foster home shall negotiate a plan for transporting the child to the school the child was attending prior to entering foster care. The department of social and health services shall not be responsible for the cost of transportation of the children in the pilot project.

(c) If the department of social and health services places a child in foster care, and the child does not continue to attend the school the child was attending prior to entering foster care, the department shall notify the school about the change.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Schmidt moved the adoption of the following amendment (455) to amendment (414):

On page On page 2, after line 28, insert:

"NEW SECTION. Sec. 3. A new section is added to chapter 28A.150 RCW to read as follows:

(1) The legislature finds that the Washington national guard youth challenge program is an out-of-home care alternative education program for at-risk youth. The legislation intends to provide coordinated service and education planning for these at-risk youth through a residential education program that helps the youth obtain a high school diploma or successfully complete a general education development assessment.

(2) The superintendent of public instruction, in consultation with the military department, shall adopt rules for the national guard youth challenge program. The rules shall include the methodology for allocating funding from the superintendent of public instruction to the military department for the program. The funding formula shall not be less than statewide average rates for basic and nonbasic education funding and shall calculate one full-time equivalent for every one hundred hours of scheduled instruction that is eligible for high school graduation credit."

Renumber the remaining sections consecutively and correct any internal references and the title accordingly.

POINT OF ORDER

Representative Hatfield requested a scope and object ruling on amendment (455) to the amendment (414) to Senate Bill No. 6709.

SPEAKER'S RULING

Mr. Speaker: "Senate Bill No. 6709 is entitled "an act relating to "coordinated service and education planning for children in out of home care". The bill, as amended in committee, requires a study and two pilot projects aimed at keeping children in foster care for fewer than 75 days in the same school they were attending prior to entering foster care.

The amendment designates the Washington National Guard Youth Challenge Program as an out-of-home care alternative education program for at-risk youth and specifies a funding formula to support the program.

The purpose of the bill is to keep children in foster care fewer than 75 days in the same school they were attending prior to entering foster care. The purpose of the amendment is to authorize placement in an alternative education program.

Representative Hatfield: The amendment is beyond the scope and object of the bill. The point of order is well taken."

The question before the House was the adoption of amendment (414).

Representative Kagi spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Kagi and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6709, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6709, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin,

Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 6709, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6713, by Senators Jacobsen and Prentice

Making voluntary payroll deductions.

The bill was read the second time.

Representative Schindler moved the adoption of amendment (390):

On page 1, line 19, after "subsection." insert "The employer shall send a list of all employees notified under this subsection to the public disclosure commission."

On page 2, line 15, after "years," insert "or for the duration the request is effective if the request is effective for more than three years."

On page 2, line 19, after "committee." insert "The records shall be displayed in unedited form, without information blacked-out or otherwise deleted."

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (389):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or give an emolument to an officer, employee, or other person or entity, with the intention that the increase in salary, or the emolument, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. If an employee has not provided a written request to the employer or disbursing entity, a person or entity who receives a withheld or diverted portion of the employee's salaries or wages from the employer or other disbursing entity shall not use those funds for contributions to political committees or for use as political contributions unless the employee has been given written notification of that possible use by the recipient and has provided written authorization for that use to the recipient. The request to the employer and authorization to the recipient must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The request

~~((is))~~ and authorization are valid for no more than twelve months from the date ~~((#is))~~ they are made by the employee.

(4) Each person or entity who withholds or receives contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, notification, and authorization, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee or used as a contribution. Copies of such information shall be delivered to the commission upon request."

Correct the title.

Representative Schindler spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Romero and DeBolt spoke in favor of passage of the bill.

Representative Schindler spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6713.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6713 and the bill passed the House by the following vote: Yeas - 57, Nays - 39, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Cairnes, Campbell, Carrell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sump, Talcott, Van Luven, and Woods - 39.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Senate Bill No. 6713, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5264, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Fraser, Patterson, Costa, Shin, Kline, Kohl-Welles, Constantine, Jacobsen, Winsley and Gardner)

Prohibiting public employers from misclassifying employees to avoid providing benefits.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5264, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5264, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 5264, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6380, by Senators Winsley, Fraser, Carlson, Spanel, Jacobsen, Regala, Rasmussen, McAuliffe and Kohl-Welles; by request of Joint Committee on Pension Policy

Creating new survivor benefit division options for divorced members of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, the public employees' retirement system, and the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Sommers moved the adoption of amendment (483):

On page 2, line 21, after "(5)" insert "If a surviving spouse receiving benefits under this section remarries after the effective date of this act, the surviving spouse shall continue to receive the benefits under this section.

(6)"

On page 2, line 26, strike "(6)" and insert "~~((6))~~ (7)"

On page 3, line 37, after "(5)" insert "If a surviving spouse receiving benefits under this section remarries after the effective date of this act, the surviving spouse shall continue to receive the benefits under this section.

(6)"

On page 4, line 3, strike "(6)" and insert "(((6))) (7)"

On page 4 after line 34, insert the following:

"(3)(a) An ex spouse of a law enforcement officers' and fire fighters' retirement system plan 1 member with at least thirty years of service who:

(i) Divorced the member after being married to the member for at least twenty-five years; and

(ii) Entered into a court order or court-approved property settlement agreement incident to the divorce that awarded a portion of the member's benefits to the ex spouse after the effective date of this act;

shall continue to receive that portion of the member's benefit after the member's death as if the member was still alive.

(b) This subsection shall apply only to a divorce entered into after January 1, 1997. However, no payments shall be made to an ex spouse of a deceased member qualifying under this subsection for any period prior to the effective date of this section."

On page 8, line 15, after "cease.", insert the following:

"The department's obligation to provide direct payment to a nonmember ex spouse qualifying for a continued split benefit payment under RCW 41.26.162(3) shall continue for the life of that nonmember ex spouse."

Representatives Sommers and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Sommers and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6380, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6380, as amended by the House and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Conway, Cooper, Delvin, Mielke, Simpson, and Sullivan - 6.
Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Senate Bill No. 6380, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6675, by Senators Prentice, Fairley, Rasmussen, Fraser, Keiser, Costa, Franklin and Spanel

Prohibiting health care facilities from requiring employees to perform overtime work.

The bill was read the second time.

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

Representatives Conway, Clements, Cody, Dunn, Campbell and Pflug spoke in favor of passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6675.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6675 and the bill passed the House by the following vote: Yeas - 82, Nays - 14, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 82.

Voting nay: Representatives Ahern, Alexander, Ballard, Benson, Chandler, Crouse, DeBolt, Holmquist, Lisk, Mielke, Mitchell, Mulliken, Schindler, and Sump - 14.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Senate Bill No. 6675, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5552, by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Hale, B. Sheldon, Hewitt, Sheahan, Shin, Zarelli, Parlette and Horn)

Expanding border county higher education opportunities.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fromhold and Cox spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5552, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5552, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 5552, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5624, by Senator Kohl-Welles

Requiring disclosure of fire protection and building safety information.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Local Government & Housing was adopted. (For committee amendment(s), see Journal, 46th Day, February 28, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Cooper and Mulliken spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 5624, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5624, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representative Morris - 1.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Senate Bill No. 5624, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5629, by Senators Patterson and Horn; by request of Office of Financial Management

Changing the office of financial management's budgeting, accounting, and reporting requirements for state agencies.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on State Government was adopted. (For committee amendment(s), see Journal, 47th Day, March 1, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero and Schindler spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5629, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5629, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 5629, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6060, by Senate Committee on Ways & Means (originally sponsored by Senator Fraser; by request of Department of Revenue)

Updating references for purposes of the hazardous substances tax.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6060.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6060 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6060, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6292, by Senators Kline and Johnson

Authorizing lay judicial officers.

The bill was read the second time.

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

Representative Lantz spoke in favor of passage of the bill.

Representatives Carrell and Schoesler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6292.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6292 and the bill passed the House by the following vote: Yeas - 73, Nays - 22, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Ballasiotes, Barlean, Benson, Berkey, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 73.

Voting nay: Representatives Anderson, Ballard, Boldt, Buck, Bush, Carrell, Chandler, Cox, Crouse, Delvin, Dunn, Holmquist, Lisk, Mielke, Mulliken, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sump, and Talcott - 22.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Senate Bill No. 6292, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6379, by Senators Carlson, Winsley, Jacobsen, Fraser, Regala, Rasmussen, McAuliffe and Hale; by request of Joint Committee on Pension Policy

Transferring service credit and contributions into the Washington state patrol retirement system.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6379.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6379 and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representatives Cooper, Delvin, and Simpson - 3.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Senate Bill No. 6379, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6416, by Senators Poulsen, Hewitt, Morton, Fraser, McAuliffe, Hale and Rasmussen

Allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates.

The bill was read the second time.

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

Representative Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6416.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6416 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Senate Bill No. 6416, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6439, by Senate Committee on State & Local Government (originally sponsored by Senators Gardner, Haugen, McCaslin and Winsley; by request of Governor Locke and Attorney General)

Protecting certain domestic security records.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Haigh moved the adoption of amendment (485) to the committee amendment:

On page 7, beginning on line 10 of the amendment, after "respond to" strike everything through "2002" on line 12, and insert "criminal terrorist acts, which are acts that significantly disrupt the conduct of government or of the general civilian population of the state or the United States and that manifest an extreme indifference to human life"

Representatives Haigh and Lisk spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

With the consent of the House, amendment (408) was withdrawn.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Haigh and Lisk spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6439, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6439, as amended by the House and the bill passed the House by the following vote: Yeas - 94, Nays - 1, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 94.

Voting nay: Representative Murray - 1.
Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Substitute Senate Bill No. 6439, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6515, by Senate Committee on Education (originally sponsored by Senators McAuliffe, Finkbeiner, B. Sheldon, Carlson, Kohl-Welles, Shin, Kastama, Jacobsen, Fraser, Fairley, Winsley, Oke and Rasmussen)

Allowing the school district capital projects fund to provide for costs associated with implementing technology systems.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Capital Budget was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives McIntire and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6515, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6515, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Substitute Senate Bill No. 6515, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6558, by Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Carlson and Hargrove; by request of Governor Locke)

Revising provisions for the governance of the Washington state school for the deaf.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Children & Family Services was before the House for purpose of amendments. (For committee amendment(s), see Journal, 45th Day, February 27, 2002.)

Representative Tokuda moved the adoption of amendment (456) to the committee amendment:

On page 5, at the beginning of line 13 of the amendment, strike "shall" and insert "may"

Representatives Tokuda and Boldt spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Tokuda and Boldt spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6558, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6558, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Engrossed Substitute Senate Bill No. 6558, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Engrossed Senate Bill No. 6713 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6713 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6713 on reconsideration, and the bill passed the House by the following vote: Yeas - 54, Nays - 41, Absent - 0, Excused - 3.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Skinner, Sump, Talcott, and Van Luven - 41.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Engrossed Senate Bill No. 6713, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Substitute Senate Bill No. 6439 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6439 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6439 on reconsideration, and the bill passed the House by the following vote: Yeas - 92, Nays - 3, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Wood, Woods, and Mr. Speaker - 92.

Voting nay: Representatives Kagi, Murray, and Veloria - 3.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Substitute Senate Bill No. 6439, on reconsideration, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 6439 on reconsideration.

RUTH KAGI, 32nd District

There being no objection, the House immediately reconsidered the vote on third reading by which Engrossed Substitute Senate Bill No. 5264 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5264 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5264 on reconsideration, and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 5264, on reconsideration, having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Engrossed Senate Bill No. 6713 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6713 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6713 on reconsideration, and the bill passed the House by the following vote: Yeas - 53, Nays - 42, Absent - 0, Excused - 3.

Voting yea: Representatives Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Skinner, Sump, Talcott, Van Luven, and Woods - 42.

Excused: Representatives Armstrong, McMorris, and Sehlin - 3.

Engrossed Senate Bill No. 6713, on reconsideration, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6464, by Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Horn and Kohl-Welles)

Authorizing the creation of a city transportation authority.

The bill was read the second time.

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

Representatives Murray and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6464.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6464 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Boldt, Cairnes, Esser, Mielke, Nixon, and Schoesler - 6.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6464, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6400, by Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Oke, Kohl-Welles and Kline)

Developing a statewide biodiversity conservation strategy.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Appropriations was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Eickmeyer, Rockefeller, Doumit, Linville, Doumit (again) and Rockefeller (again) spoke in favor of passage of the bill.

Representatives Orcutt, Schoesler, Mastin, Ballard, Sump, Talcott and Ericksen spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6400, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6400, as amended by the House and the bill passed the House by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 41.
Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6400, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6400.

BRIAN HATFIELD, 19th District

MESSAGES FROM THE SENATE

March 8, 2002

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 2015,
SECOND SUBSTITUTE HOUSE BILL NO. 2100,
SUBSTITUTE HOUSE BILL NO. 2301,
HOUSE BILL NO. 2302,
SUBSTITUTE HOUSE BILL NO. 2308,
SECOND SUBSTITUTE HOUSE BILL NO. 2311,
HOUSE BILL NO. 2318,
SUBSTITUTE HOUSE BILL NO. 2347,
HOUSE BILL NO. 2358,
SUBSTITUTE HOUSE BILL NO. 2366,
ENGROSSED HOUSE BILL NO. 2399,
SUBSTITUTE HOUSE BILL NO. 2414,
SUBSTITUTE HOUSE BILL NO. 2415,
SUBSTITUTE HOUSE BILL NO. 2426,
SUBSTITUTE HOUSE BILL NO. 2437,
HOUSE BILL NO. 2450,
HOUSE BILL NO. 2471,
SUBSTITUTE HOUSE BILL NO. 2495,
SUBSTITUTE HOUSE BILL NO. 2502,
SECOND SUBSTITUTE HOUSE BILL NO. 2511,
SUBSTITUTE HOUSE BILL NO. 2512,
SUBSTITUTE HOUSE BILL NO. 2513,
SUBSTITUTE HOUSE BILL NO. 2536,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2540,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2544,
HOUSE BILL NO. 2553,
HOUSE BILL NO. 2571,
HOUSE BILL NO. 2588,
HOUSE BILL NO. 2595,
HOUSE BILL NO. 2605,

SUBSTITUTE HOUSE BILL NO. 2673,
HOUSE BILL NO. 2715,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2819,
HOUSE BILL NO. 2892,
SUBSTITUTE HOUSE BILL NO. 2895,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4026,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 8, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005,
SUBSTITUTE HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 2315,
HOUSE BILL NO. 2365,
HOUSE BILL NO. 2397,
HOUSE BILL NO. 2526,
HOUSE JOINT RESOLUTION NO. 4220,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5292, by Senate Committee on Environment, Energy & Water (originally sponsored by Senators T. Sheldon, McDonald, Fraser, Hochstatter, Regala, Stevens, Kastama, Snyder, Honeyford, Patterson, Eide and Hale)

Modifying definitions of public energy projects.

The bill was read the second time.

There being no objection, the House deferred action on Substitute Senate Bill No. 5292 and the bill held its place on second reading.

SUBSTITUTE SENATE BILL NO. 5400, by Senate Committee on Economic Development & Telecommunications (originally sponsored by Senators T. Sheldon, Franklin, Shin, Regala, Costa and Gardner; by request of Governor Locke)

Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes.

The bill was read the second time.

Representative Mulliken moved the adoption of amendment (463):

On page 2, after line 17, insert the following:

"(e) For any project that is sponsored in whole or in part by a federally recognized Indian tribe that was party to *United States of America, et al. v. State of Washington, et al.*, NO. C70-9213 (United States District Court, Western District of Washington at Seattle, 2001)."

Representatives Mulliken spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Eickmeyer, Veloria and Dunn spoke in favor of passage of the bill.

Representatives Schoesler and Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5400.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5400 and the bill passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Chandler, Cox, Crouse, Delvin, Holmquist, Lisk, Mastin, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Schindler, Schoesler, Sehlin, Sump, and Woods - 25.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 5400, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5748, by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama; by request of The Blue Ribbon Commission on Transportation)

Integrating transportation and land use planning.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (465):

On page 5, line 18, strike all of section 5, and correct the title.

Representatives Ericksen and Anderson spoke in favor of the adoption of the amendment.

Representative Romero spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Romero moved the adoption of amendment (490):

On page 2, beginning on line 20, strike all of section 3 and insert the following:

"**Sec. 3.** RCW 47.05.051 and 2002 c 5 s 406 (ESB 2304) are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- (A) Life-cycle cost analysis;
- (B) Traffic volume;
- (C) Subgrade soil conditions;
- (D) Environmental and weather conditions;
- (E) Materials available; and
- (F) Construction factors;

(ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(b) Priority programming for the improvement program must be based primarily upon the following, not necessarily in order of importance:

(i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

(ii) The cost-effective movement of people and goods;

(iii) Accident and accident risk reduction;

(iv) Protection of the state's natural environment;

(v) Continuity and systematic development of the highway transportation network;

(vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW including the following if they have been included in the comprehensive plan:

(i) Support for development in and revitalization of existing downtowns;

(ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;

(iii) Extent of compact, transit-oriented development for rural and urban residential and nonresidential densities;

(iv) Opportunities for multimodal transportation; and

(v) Extent to which the project accommodates planned growth and economic development;

(vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

(viii) Public views concerning proposed improvements;

(ix) The conservation of energy resources;

(x) Feasibility of financing the full proposed improvement;

(xi) Commitments established in previous legislative sessions;

(xii) Relative costs and benefits of candidate programs.

(d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

(2) The commission may depart from the priority programming established under subsection (1) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal

laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

(3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities."

On page 5, line 29, after "development" strike "at appropriate" and insert "for rural and urban"

Representative Holmquist moved the adoption of amendment (500) to amendment (490):

On page 1, line 33 of the amendment, strike "Synchronization" and insert "Except for projects in cities having a population of less than five thousand persons, synchronization"

Representatives Holmquist and Romero spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment (490) as amended was adopted.

Representative Holmquist moved the adoption of amendment (479):

On page 5, line 20, after "board" insert ", except for projects in cities having a population of less than 5,000 persons"

Representatives Holmquist and Romero spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Romero and Mitchell spoke in favor of passage of the bill.

Representative Schindler spoke against passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5748, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5748, as amended by the House and the bill passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Berkey, Cairnes, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Anderson, Ballard, Benson, Boldt, Buck, Bush, Campbell, Chandler, Cox, Crouse, Delvin, Dunn, Lisk, Mastin, Mielke, Mulliken, Orcutt, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, and Woods - 25.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 5748, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5292, by Senate Committee on Environment, Energy & Water (originally sponsored by Senators T. Sheldon, McDonald, Fraser, Hochstatter, Regala, Stevens, Kastama, Snyder, Honeyford, Patterson, Eide and Hale)

Modifying definitions of public energy projects.

There being no objection, the committee amendment by the Committee on Telecommunications and Technology was before the House for purpose of amendment. (For committee amendment, see Journal, 47th Day, March 1, 2002.)

Representative Pflug moved the adoption of the following amendment (501) to the committee amendment:

On page 1, line 14 of the amendment, after "means a" strike all material through "megawatts" on line 24 and insert "nuclear power plant (~~or installation capable, or intended to be capable, of generating electricity in an amount greater than two hundred fifty megawatts, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure. Where two or more such plants are located within the same geographic site, each plant shall be considered a major public energy project. An addition to an existing facility is not deemed to be a major energy project unless the addition itself is capable, or intended to be capable, of generating electricity in an amount greater than two hundred fifty megawatts))~~ or other plant or installation that would cause the applicant's total projected energy production capacity, including the proposed plant or installation, to exceed one hundred ten percent of the projected demand of the consumers within the applicant's service area boundaries over a twenty-year period following completion of the project"

Representatives Pflug and Boldt spoke in favor of adoption of the amendment.

Representatives Morris and Delvin spoke against the adoption of the amendment.

The amendment to the committee amendment was not adopted.

With the consent of the House, amendment (489) to the committee amendment was withdrawn.

Representative Ogden moved the adoption of the following amendment (487):

On page 1, line 16 of the amendment, after "~~((two))~~" strike "four hundred~~((fifty))~~" and insert "three hundred fifty"

On page 1, beginning on line 23 of the amendment, after "~~((two))~~" strike "four hundred~~((fifty))~~" and insert "three hundred fifty"

Representatives Ogden and Delvin spoke in favor of adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Morris and Delvin spoke in favor of passage of the bill.

Representatives Mielke and Pflug spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5292, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5292, as amended by the House and the bill passed the House by the following vote: Yeas - 76, Nays - 20, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Ballard, Ballasiotes, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McIntire, Miloscia, Mitchell, Morris, Mulliken, Murray, O'Brien, Ogden, Pearson, Quall, Roach, Rockefeller, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Veloria, Wood, Woods, and Mr. Speaker - 76.

Voting nay: Representatives Anderson, Barlean, Boldt, Casada, Dickerson, Dunshee, Esser, McDermott, Mielke, Morell, Nixon, Orcutt, Pflug, Reardon, Romero, Ruderman, Schual-Berke, Simpson, Upthegrove, and Van Luven - 20.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 5292, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6594, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carlson, Costa, Hargrove and Long; by request of Jt Select Comm on the Equitable Distrib of Secure Community Transition Facil)

Implementing the recommendations of the joint select committee on the equitable distribution of secure community transition facilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Criminal Justice & Corrections was not adopted.

There being no objection, the committee amendment(s) by the Committee on Appropriations was before the House for purpose of amendments. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

Representative Talcott moved the adoption of amendment (478) to the committee amendment:

On page 11, line 15 of the amendment, after "of" insert "secure community transition facilities sited pursuant to"

On page 11, line 27 of the amendment, after "and" strike all material through "of" on line 28

On page 12, line 2 of the amendment, after "and" strike all material through "of" on line 3

On page 12, line 12 of the amendment, after "and" strike all material through "of" on line 13

Representatives Talcott, Campbell, Mastin, Carrell, Talcott (again), Bush and Bensen spoke in favor of the adoption of the amendment to the committee amendment.

Representatives O'Brien and Ballasiotes spoke against the adoption of the amendment to the committee amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (478) to Engrossed Substitute Senate Bill No. 6594.

ROLL CALL

The Clerk called the roll on the adoption of amendment (478) to Engrossed Substitute Senate Bill No. 6594, and the amendment was not adopted by the following vote: Yeas - 43, Nays - 53, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 43.

Voting nay: Representatives Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 53.

Excused: Representatives Armstrong, and McMorris - 2.

There being no objection, the committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Kagi, Morell, Conway and Ballasiotes spoke in favor of passage of the bill.

Representatives Mastin and Benson spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6594, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6594, as amended by the House and the bill passed the House by the following vote: Yeas - 55, Nays - 41, Absent - 0, Excused - 2.

Voting yea: Representatives Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 41.
Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6594, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5426, by Senators Patterson, Costa, McCaslin, Constantine and Kline

Authorizing a filing fee surcharge for funding county law libraries.

The bill was read the second time.

Representative Esser moved the adoption of amendment (355):

On page 1, line 16, after "county" insert "that increases the twelve dollar contribution to fifteen dollars"

On page 1, line 18, after "exceed" strike everything through "section" on line 19 and insert "five dollars or, in the case of a county that maintains more than one library facility, not to exceed ten dollars"

On page 2, line 1, after "exceed" strike everything through "section" on line 2 and insert "two dollars or, in the case of a county that maintains more than one library facility, not to exceed four dollars"

Representatives Esser and Carrell spoke in favor of the adoption of the amendment.

Representative Lantz spoke against the adoption of the amendment.

The amendment was not adopted.

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

Representatives Lantz spoke in favor of passage of the bill.

Representatives Carrell, Esser and Boldt spoke against the passage of the bill.

There being no objections, the House deferred action on Senate Bill No. 5426, and the bill held its place on third reading.

SUBSTITUTE SENATE BILL NO. 6461, by Senate Committee on Transportation (originally sponsored by Senators Gardner, Benton, Haugen, Horn, Jacobsen, Costa, Oke and Winsley)

Strengthening procedures for disqualification of drinking or drugged commercial drivers.

The bill was read the second time.

There being no objection, the committee amendment(s) by the Committee on Transportation was adopted. (For committee amendment(s), see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6461, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6461, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 6461, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6698, by Senators Thibaudeau and Deccio

Exempting reflexologists from regulation as massage practitioners.

The bill was read the second time.

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

Representatives Cody and Campbell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6698.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6698 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 6698, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5594, by Senators Gardner, Winsley, Prentice and Honeyford

Consolidating housing authorities.

The bill was read the second time.

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

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5594.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5594 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 5594, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5513, by Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

Compensating highway and ferry workers for motorist assault.

The bill was read the second time.

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

Representatives Fisher and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5513.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5513 and the bill passed the House by the following vote: Yeas - 80, Nays - 16, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos,

Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 80.

Voting nay: Representatives Alexander, Anderson, Ballard, Boldt, Bush, Chandler, Crouse, DeBolt, Dunn, Holmquist, Lisk, Mielke, Mitchell, Mulliken, Pflug, and Schindler - 16.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 5513, having received the necessary constitutional majority, was declared passed.

There being no objections, the rules were suspended, the Rules Committee was relieved of Engrossed Senate Bill No. 6630 and the bill was placed on second reading.

MESSAGE FROM THE SENATE

March 8, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1521,
HOUSE BILL NO. 2289,
HOUSE BILL NO. 2313,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2466,
HOUSE BILL NO. 2824,
SUBSTITUTE HOUSE BILL NO. 2914,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6490, by Senate Committee on Ways & Means (originally sponsored by Senators Roach, Kline, Rasmussen, Keiser, Regala, Benton, Honeyford, Oke, Hale, McDonald, Johnson, McCaslin, Kastama, Sheahan and Stevens)

Increasing penalties for taking a motor vehicle without permission.

The bill was read the second time.

With the consent of the House, amendment (477) was withdrawn.

Representative Mastin moved the adoption of amendment (464):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.56.070 and 1975 1st ex.s. c 260 s 9A.56.070 are each amended to read as follows:

(1) (~~Every person who shall~~) (a) A person is guilty of taking a motor vehicle without permission in the first degree if he or she, without the permission of the owner or person entitled to possession, intentionally takes or drives away an automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, and he or she:

(i) Alters the motor vehicle for the purpose of changing its appearance or primary identification, including obscuring, removing, or changing the manufacturer's serial number or the vehicle identification number plates;

(ii) Removes, or participates in the removal of, parts from the motor vehicle with the intent to sell the parts;

(iii) Exports, or attempts to export, the motor vehicle across state lines or out of the United States for profit;

(iv) Intends to sell the motor vehicle; or
(v) Is engaged in a conspiracy and the central object of the conspiratorial agreement is the theft of motor vehicles for sale to others for profit.

(b) Taking a motor vehicle without permission in the first degree is a class B felony.

(2)(a) A person is guilty of taking a motor vehicle without permission in the second degree if he or she, without the permission of the owner or person entitled to ((the)) possession ((thereof)), intentionally takes or drives away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, that is the property of another, ((shall be deemed guilty of a felony, and every person)) or he or she voluntarily ((riding)) rides in or upon ((said)) the automobile or motor vehicle with knowledge of the fact that the ((same)) automobile or motor vehicle was unlawfully taken ((shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking a motor vehicle without permission)).

((2)) (b) Taking a motor vehicle without permission in the second degree is a class C felony.

(3) A person convicted or adjudicated of taking a motor vehicle without permission in the first degree or taking a motor vehicle without permission in the second degree under this section shall also have driving privileges revoked in accordance with section 5 of this act. Upon conviction, the court shall immediately transmit conviction data to the department of licensing necessary for the administration of section 5 of this act.

Sec. 2 RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))

Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
Sexually Violent Predator Escape (RCW 9A.76.115)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Theft of Anhydrous Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW
70.74.270(3))
Sending, bringing into state depictions of minor
engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree
(RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony
(RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of
others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110,
9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule I or II (except heroin or
cocaine) or flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW
69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate
extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW
9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))
Domestic Violence Court Order Violation (RCW
10.99.040, 10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit
(RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)

Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)
Taking Motor Vehicle Without Permission 1 (RCW
9A.56.070(1))

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW
79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen
(subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW
9A.82.070)
Knowingly Trafficking in Stolen Property (RCW
9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule III, IV, or V or nonnarcotics
from Schedule I-V (except marijuana, amphetamine,
methamphetamines, or flunitrazepam) (RCW
69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW
9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of
intoxicating liquor or any drug, or by the operation or
driving of a vehicle in a reckless manner (RCW
46.61.522)
Willful Failure to Return from Furlough (RCW
72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW
9A.76.170(3)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes
(RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Identity Theft 2 (RCW 9.35.020(2)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))

Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
~~((Taking Motor Vehicle Without Permission (RCW 9A.56.070)))~~
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.94A.525 and 2001 c 264 s 5 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class

C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for a drug offense count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for taking a motor vehicle without permission, first or second degree, count two points for each prior adult and juvenile conviction for this offense.

(18) If the present conviction is for an offense committed while the offender was under community placement, add one point.

Sec. 4 RCW 13.40.0357 and 2001 c 217 s 13 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

<i>JUVENILE DISPOSITION OFFENSE CATEGORY</i>	<i>DESCRIPTION (RCW CITATION)</i>	<i>JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION</i>
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D

D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes
Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit (69.50.410)	C+
E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
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B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+
C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

Kidnapping

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

Obstructing Governmental Operation

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+

B+	Intimidating a Witness (9A.72.110)	C+
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Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+
A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

Theft, Robbery, Extortion, and Forgery

B	Theft 1 (9A.56.030)	C
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C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2)(a))	D
D	Identity Theft 2 (9.35.020(2)(b))	E
D	Improperly Obtaining Financial Information (9.35.010)	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
<u>B+</u>	<u>Taking Motor Vehicle Without Permission 1</u> (9A.56.070(1))	<u>C+</u> ((E))
<u>B</u>	Taking Motor Vehicle Without ((Owner's)) Permission 2 (9A.56.070(2))	((D)) <u>C</u>

Motor Vehicle Related Crimes

E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D

E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E
Other		
B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E
E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

³If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

**OPTION A
JUVENILE OFFENDER SENTENCING GRID
STANDARD RANGE**

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |
30-40 | | |
WEEKS FOR | | |
15-17 | | |
YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129
Offense WEEKS | WEEKS | WEEKS | WEEKS
Category _____

B LOCAL | | 52-65
SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |
| 15-36 WEEKS

C LS | 15-36 WEEKS
Local Sanctions: |
0 to 30 Days _

D+ LS 0 to 12 Months Community Supervision
0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more
PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B
CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION C
MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 5** A new section is added to chapter 46.20 RCW to read as follows:

(1) In addition to any other authority to revoke driving privileges under this chapter, the department shall revoke the driving privileges of a defendant in accordance with this section.

(2) The department shall revoke the driving privileges of a juvenile or adult for one year when the department receives notice that the person has been convicted of taking a motor vehicle without permission in the first degree under RCW 9A.56.070(1) or taking a motor vehicle without permission in the second degree under RCW 9A.56.070(2)."

Correct the title accordingly.

Representative Lovick moved the adoption of amendment (486) to amendment (464):

On page 2, beginning on line 6 of the amendment, strike everything through "9A.56.070(2)" on page 23, line 14, and insert:

"**Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))
Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)
Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)

- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)

- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
 - Sexually Violent Predator Escape (RCW 9A.76.115)

- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Hit and Run--Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
 - Malicious placement of an explosive 2 (RCW 70.74.270(2))
 - Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
 - Robbery 1 (RCW 9A.56.200)
 - Sexual Exploitation (RCW 9.68A.040)
 - Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

- VIII Arson 1 (RCW 9A.48.020)
 - Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
 - Manslaughter 2 (RCW 9A.32.070)
 - Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
 - Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
 - Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
 - Promoting Prostitution 1 (RCW 9A.88.070)
 - Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
 - Theft of Anhydrous Ammonia (RCW 69.55.010)

Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)

Drive-by Shooting (RCW 9A.36.045)

Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)

Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))

Introducing Contraband 1 (RCW 9A.76.140)

Involving a minor in drug dealing (RCW 69.50.401(f))

Malicious placement of an explosive 3 (RCW 70.74.270(3))

Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)

Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))

Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)

Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))

Intimidating a Judge (RCW 9A.72.160)

Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)

Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Rape of a Child 3 (RCW 9A.44.079)

Theft of a Firearm (RCW 9A.56.300)

Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)

Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))

Child Molestation 3 (RCW 9A.44.089)

Criminal Mistreatment 1 (RCW 9A.42.020)

Custodial Sexual Misconduct 1 (RCW 9A.44.160)

Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070(1))

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)

Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)

Assault 3 (RCW 9A.36.031)

Assault of a Child 3 (RCW 9A.36.140)

Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))

Burglary 2 (RCW 9A.52.030)

Communication with a Minor for Immoral Purposes (RCW 9.68A.090)

Criminal Gang Intimidation (RCW 9A.46.120)

Criminal Mistreatment 2 (RCW 9A.42.030)

Custodial Assault (RCW 9A.36.100)

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Escape 2 (RCW 9A.76.120)

Extortion 2 (RCW 9A.56.130)

Harassment (RCW 9A.46.020)

Intimidating a Public Servant (RCW 9A.76.180)

Introducing Contraband 2 (RCW 9A.76.150)

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Malicious Injury to Railroad Property (RCW 81.60.070)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

Patronizing a Juvenile Prostitute (RCW 9.68A.100)

Perjury 2 (RCW 9A.72.030)

Possession of Incendiary Device (RCW 9.40.120)

Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)

Promoting Prostitution 2 (RCW 9A.88.080)

Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))

Securities Act violation (RCW 21.20.400)

Tampering with a Witness (RCW 9A.72.120)

Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)

Theft of Livestock 2 (RCW 9A.56.080)

Unlawful Imprisonment (RCW 9A.40.040)

Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))
 - Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 - Escape from Community Custody (RCW 72.09.310)
 - Health Care False Claims (RCW 48.80.030)
 - Identity Theft 2 (RCW 9.35.020(2)(b))
 - Improperly Obtaining Financial Information (RCW 9.35.010)
 - Malicious Mischief 1 (RCW 9A.48.070)
 - Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
 - Possession of phencyclidine (PCP) (RCW 69.50.401(d))
 - Possession of Stolen Property 1 (RCW 9A.56.150)
 - Theft 1 (RCW 9A.56.030)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
 - Trafficking in Insurance Claims (RCW 48.30A.015)
 - Unlawful Practice of Law (RCW 2.48.180)
 - Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 - False Verification for Welfare (RCW 74.08.055)
 - Forged Prescription (RCW 69.41.020)
 - Forged Prescription for a Controlled Substance (RCW 69.50.403)
 - Forgery (RCW 9A.60.020)
 - Malicious Mischief 2 (RCW 9A.48.080)
 - Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
 - Possession of Stolen Property 2 (RCW 9A.56.160)
 - Reckless Burning 1 (RCW 9A.48.040)
 - Taking Motor Vehicle Without Permission 2 (RCW 9A.56.070(2))
 - Theft 2 (RCW 9A.56.040)
 - Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
 - Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
 - Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
 - Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 13.40.0357 and 2001 c 217 s 13 are each amended to read as follows:

DESCRIPTION AND OFFENSE CATEGORY

JUVENILE DISPOSITION OFFENSE CATEGORY	DESCRIPTION (RCW CITATION)	JUVENILE DISPOSITION CATEGORY FOR ATTEMPT, BAILJUMP, CONSPIRACY, OR SOLICITATION
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Arson and Malicious Mischief

A	Arson 1 (9A.48.020)	B+
B	Arson 2 (9A.48.030)	C
C	Reckless Burning 1 (9A.48.040)	D
D	Reckless Burning 2 (9A.48.050)	E
B	Malicious Mischief 1 (9A.48.070)	C
C	Malicious Mischief 2 (9A.48.080)	D
D	Malicious Mischief 3 (< \$50 is E class) (9A.48.090)	E
E	Tampering with Fire Alarm Apparatus (9.40.100)	E
A	Possession of Incendiary Device (9.40.120)	B+

**Assault and Other Crimes
Involving Physical Harm**

A	Assault 1 (9A.36.011)	B+
B+	Assault 2 (9A.36.021)	C+
C+	Assault 3 (9A.36.031)	D+
D+	Assault 4 (9A.36.041)	E
B+	Drive-By Shooting (9A.36.045)	C+
D+	Reckless Endangerment (9A.36.050)	E
C+	Promoting Suicide Attempt (9A.36.060)	D+
D+	Coercion (9A.36.070)	E
C+	Custodial Assault (9A.36.100)	D+

Burglary and Trespass

B+	Burglary 1 (9A.52.020)	C+
B	Residential Burglary (9A.52.025)	C
B	Burglary 2 (9A.52.030)	C
D	Burglary Tools (Possession of) (9A.52.060)	E
D	Criminal Trespass 1 (9A.52.070)	E
E	Criminal Trespass 2 (9A.52.080)	E
C	Vehicle Prowling 1 (9A.52.095)	D
D	Vehicle Prowling 2 (9A.52.100)	E

Drugs

E	Possession/Consumption of Alcohol (66.44.270)	E
C	Illegally Obtaining Legend Drug (69.41.020)	D
C+	Sale, Delivery, Possession of Legend Drug with Intent to Sell (69.41.030)	D+
E	Possession of Legend Drug (69.41.030)	E
B+	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Sale (69.50.401(a)(1) (i) or (ii))	B+
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Sale (69.50.401(a)(1)(iii))	C
E	Possession of Marihuana < 40 grams (69.50.401(e))	E
C	Fraudulently Obtaining Controlled Substance (69.50.403)	C
C+	Sale of Controlled Substance for Profit	C+

(69.50.410)

E	Unlawful Inhalation (9.47A.020)	E
B	Violation of Uniform Controlled Substances Act - Narcotic, Methamphetamine, or Flunitrazepam Counterfeit Substances (69.50.401(b)(1) (i) or (ii))	B
C	Violation of Uniform Controlled Substances Act - Nonnarcotic Counterfeit Substances (69.50.401(b)(1) (iii), (iv), (v))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(d))	C
C	Violation of Uniform Controlled Substances Act - Possession of a Controlled Substance (69.50.401(c))	C

Firearms and Weapons

B	Theft of Firearm (9A.56.300)	C
B	Possession of Stolen Firearm (9A.56.310)	C
E	Carrying Loaded Pistol Without Permit (9.41.050)	E
C	Possession of Firearms by Minor (< 18) (9.41.040(1)(b)(iii))	C
D+	Possession of Dangerous Weapon (9.41.250)	E
D	Intimidating Another Person by use of Weapon (9.41.270)	E

Homicide

A+	Murder 1 (9A.32.030)	A
A+	Murder 2 (9A.32.050)	B+
B+	Manslaughter 1 (9A.32.060)	C+

C+	Manslaughter 2 (9A.32.070)	D+
B+	Vehicular Homicide (46.61.520)	C+

Kidnapping

A	Kidnap 1 (9A.40.020)	B+
B+	Kidnap 2 (9A.40.030)	C+
C+	Unlawful Imprisonment (9A.40.040)	D+

Obstructing Governmental Operation

D	Obstructing a Law Enforcement Officer (9A.76.020)	E
E	Resisting Arrest (9A.76.040)	E
B	Introducing Contraband 1 (9A.76.140)	C
C	Introducing Contraband 2 (9A.76.150)	D
E	Introducing Contraband 3 (9A.76.160)	E
B+	Intimidating a Public Servant (9A.76.180)	C+
B+	Intimidating a Witness (9A.72.110)	C+

Public Disturbance

C+	Riot with Weapon (9A.84.010)	D+
D+	Riot Without Weapon (9A.84.010)	E
E	Failure to Disperse (9A.84.020)	E
E	Disorderly Conduct (9A.84.030)	E

Sex Crimes

A	Rape 1 (9A.44.040)	B+
A-	Rape 2 (9A.44.050)	B+
C+	Rape 3 (9A.44.060)	D+

A-	Rape of a Child 1 (9A.44.073)	B+
B+	Rape of a Child 2 (9A.44.076)	C+
B	Incest 1 (9A.64.020(1))	C
C	Incest 2 (9A.64.020(2))	D
D+	Indecent Exposure (Victim < 14) (9A.88.010)	E
E	Indecent Exposure (Victim 14 or over) (9A.88.010)	E
B+	Promoting Prostitution 1 (9A.88.070)	C+
C+	Promoting Prostitution 2 (9A.88.080)	D+
E	O & A (Prostitution) (9A.88.030)	E
B+	Indecent Liberties (9A.44.100)	C+
A-	Child Molestation 1 (9A.44.083)	B+
B	Child Molestation 2 (9A.44.086)	C+

**Theft, Robbery, Extortion, and
Forgery**

B	Theft 1 (9A.56.030)	C
C	Theft 2 (9A.56.040)	D
D	Theft 3 (9A.56.050)	E
B	Theft of Livestock (9A.56.080)	C
C	Forgery (9A.60.020)	D
A	Robbery 1 (9A.56.200)	B+
B+	Robbery 2 (9A.56.210)	C+
B+	Extortion 1 (9A.56.120)	C+
C+	Extortion 2 (9A.56.130)	D+
C	Identity Theft 1 (9.35.020(2)(a))	D
D	Identity Theft 2 (9.35.020(2)(b))	E

D	Improperly Obtaining Financial Information ((9.35.010)) <u>(9.35.010)</u>	E
B	Possession of Stolen Property 1 (9A.56.150)	C
C	Possession of Stolen Property 2 (9A.56.160)	D
D	Possession of Stolen Property 3 (9A.56.170)	E
C	Taking Motor Vehicle Without (Owner's) <u>Permission 1 and 2</u> (9A.56.070 <u>(1) and (2)</u>)	D

Motor Vehicle Related Crimes

E	Driving Without a License (46.20.005)	E
B+	Hit and Run - Death (46.52.020(4)(a))	C+
C	Hit and Run - Injury (46.52.020(4)(b))	D
D	Hit and Run-Attended (46.52.020(5))	E
E	Hit and Run-Unattended (46.52.010)	E
C	Vehicular Assault (46.61.522)	D
C	Attempting to Elude Pursuing Police Vehicle (46.61.024)	D
E	Reckless Driving (46.61.500)	E
D	Driving While Under the Influence (46.61.502 and 46.61.504)	E

Other

B	Bomb Threat (9.61.160)	C
C	Escape 1 ¹ (9A.76.110)	C
C	Escape 2 ¹ (9A.76.120)	C
D	Escape 3 (9A.76.130)	E

E	Obscene, Harassing, Etc., Phone Calls (9.61.230)	E
A	Other Offense Equivalent to an Adult Class A Felony	B+
B	Other Offense Equivalent to an Adult Class B Felony	C
C	Other Offense Equivalent to an Adult Class C Felony	D
D	Other Offense Equivalent to an Adult Gross Misdemeanor	E
E	Other Offense Equivalent to an Adult Misdemeanor	E
V	Violation of Order of Restitution, Community Supervision, or Confinement (13.40.200) ²	V

¹Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses and the standard range is established as follows:

- 1st escape or attempted escape during 12-month period - 4 weeks confinement
- 2nd escape or attempted escape during 12-month period - 8 weeks confinement
- 3rd and subsequent escape or attempted escape during 12-month period - 12 weeks confinement

³If the court finds that a respondent has violated terms of an order, it may impose a penalty of up to 30 days of confinement.

JUVENILE SENTENCING STANDARDS

This schedule must be used for juvenile offenders. The court may select sentencing option A, B, or C.

OPTION A JUVENILE OFFENDER SENTENCING GRID STANDARD RANGE

A+ 180 WEEKS TO AGE 21 YEARS

A 103 WEEKS TO 129 WEEKS

A- 15-36 | 52-65 | 80-100 | 103-129
WEEKS | WEEKS | WEEKS | WEEKS
EXCEPT | | |
30-40 | | |
WEEKS FOR | | |
15-17 | | |

YEAR OLDS | | |

Current B+ 15-36 | 52-65 | 80-100 | 103-129

Offense WEEKS | WEEKS | WEEKS | WEEKS

Category _____

B LOCAL | | 52-65

SANCTIONS (LS) | 15-36 WEEKS | WEEKS

C+ LS |

| 15-36 WEEKS

C LS | 15-36 WEEKS

Local Sanctions: |

0 to 30 Days _

D+ LS 0 to 12 Months Community Supervision

0 to 150 Hours Community Service

D LS \$0 to \$500 Fine

E LS

0 1 2 3 4 or more

PRIOR ADJUDICATIONS

NOTE: References in the grid to days or weeks mean periods of confinement.

(1) The vertical axis of the grid is the current offense category. The current offense category is determined by the offense of adjudication.

(2) The horizontal axis of the grid is the number of prior adjudications included in the juvenile's criminal history. Each prior felony adjudication shall count as one point. Each prior violation, misdemeanor, and gross misdemeanor adjudication shall count as 1/4 point. Fractional points shall be rounded down.

(3) The standard range disposition for each offense is determined by the intersection of the column defined by the prior adjudications and the row defined by the current offense category.

(4) RCW 13.40.180 applies if the offender is being sentenced for more than one offense.

(5) A current offense that is a violation is equivalent to an offense category of E. However, a disposition for a violation shall not include confinement.

OR

OPTION B

CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

If the juvenile offender is subject to a standard range disposition of local sanctions or 15 to 36 weeks of confinement and has not committed an A- or B+ offense, the court may impose a disposition under RCW 13.40.160(4) and 13.40.165.

OR

OPTION C

MANIFEST INJUSTICE

If the court determines that a disposition under option A or B would effectuate a manifest injustice, the court shall impose a disposition outside the standard range under RCW 13.40.160(2).

NEW SECTION. **Sec. 4.** The sentencing guidelines commission shall study the impact of the sentencing changes in this act upon the incidence of the crime of taking a motor vehicle without permission. by December 2004, the commission shall submit a report to the governor and the legislature. The report shall address:

(1) Whether the creation of the crime of taking a motor vehicle without permission in the first degree and the increased penalties for that new crime have resulted in a reduction in the number of convictions for taking a motor vehicle without permission in the first or second degree; and

(2) Whether there are other actions, either civil or criminal, that could have the effect of further decreasing the incidence of these crimes, including but not limited to: the revocation of driving privileges, double scoring of prior convictions, or increasing penalties for juveniles."

Representative Lovick spoke in favor of adoption of the amendment.

Representatives DeBolt, Carrell, Bush, Morell, Schoesler, Mastin, Casada and Ahern spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (486) to amendment (464).

ROLL CALL

The Clerk called the roll on the adoption of amendment (486) to amendment (464) and the amendment was adopted by the following vote: Yeas - 50, Nays - 46, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Excused: Representatives Armstrong, and McMorris - 2.

Representative Carrell moved the adoption of amendment (503):

On page 23, after line 14, insert:

"**Sec. 6.** RCW 13.40.070 and 2001 c 175 s 2 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section

are not met, the prosecutor shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.411(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, ~~((or))~~ a class C felony that is a violation of RCW 9.41.080 or 9.41.040(1)(b)(iii), or a class C felony that is a violation of RCW 9A.56.070; or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has two or more diversion agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

(10) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims."

Representatives Carrell, Bush, DeBolt, Benson, Mastin, Campbell and Cairnes spoke in favor of the adoption of the amendment.

Representatives O'Brien spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (503) to Engrossed Substitute Senate Bill No. 6490.

ROLL CALL

The Clerk called the roll on the adoption of amendment (503) to amendment (464), and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Excused: Representatives Armstrong, and McMorris - 2.

Amendment (464) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Lovick spoke in favor of passage of the bill.

Representatives Bush, Schoesler, Mastin, Benson, Carrell, Campbell, DeBolt, Sump, Morell and Ballard spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6490, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6490, as amended by the House and the bill passed the House by the following vote: Yeas - 75, Nays - 21, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Barlean, Benson, Berkey, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 75.

Voting nay: Representatives Alexander, Anderson, Ballard, Ballasiotes, Boldt, Buck, Bush, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Mielke, Pflug, Schindler, Schoesler, Skinner, and Sump - 21.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6490, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6630, by Senators Prentice, Honeyford, Rasmussen and Sheahan

Providing for certification as a master electrician.

The bill was read the second time.

There being no objection, the committee recommendation was not adopted.

Representative Conway moved the adoption of amendment (497):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.28.006 and 2001 c 211 s 1 are each amended to read as follows:

The definitions in this section apply throughout this subchapter.

(1) "Administrator" means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) "Board" means the electrical board under RCW 19.28.311.

(3) "Chapter" or "subchapter" means the subchapter, if no chapter number is referenced.

(4) "Department" means the department of labor and industries.

(5) "Director" means the director of the department or the director's designee.

(6) "Electrical construction trade" includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power and installing and maintaining remote control, signaling, power limited, or communication circuits or systems.

(7) "Electrical contractor" means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

(8) "Equipment" means any equipment or apparatus that directly uses, conducts, insulates, or is operated by electricity but does not mean: Plug-in ((household)) appliances; or plug-in equipment as determined by the department by rule.

(9) "Industrial control panel" means a factory-wired or user-wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices. The panel may include disconnect means and motor branch circuit protective devices.

(10) "Journeyman electrician" means a person who has been issued a journeyman electrician certificate of competency by the department.

(11) "Master electrician" means either a master journeyman electrician or master specialty electrician.

(12) "Master journeyman electrician" means a person who has been issued a master journeyman electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

(13) "Master specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department and who may be designated by an electrical contractor to supervise electrical work and electricians in accordance with rules adopted under this chapter.

(14) "Specialty electrician" means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 2. RCW 19.28.041 and 2001 c 211 s 3 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire twenty-four calendar months following the day of their issue. The department may issue an electrical contractors license for a period of less than twenty-four months only for the purpose of equalizing the number of electrical contractor licenses that expire each month. Application for an

electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state:

(a) The name and address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof;

(b) The location of the place of business of the applicant and the name under which the business is conducted;

(c) Employer social security number;

(d) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law;

(e) Employment security department number;

(f) State excise tax registration number;

(g) Unified business identifier (UBI) account number may be substituted for the information required by (d) of this subsection if the applicant will not employ employees in Washington, and by (e) and (f) of this subsection; and

(h) Whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, ~~((domestic appliances,))~~ pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and a combination specialty. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(d) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3) The application for ~~((a))~~ an electrical contractor license shall be accompanied by a bond in the sum of four thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3) that is in effect at the time of entering into a contract. The bond shall be conditioned

further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(3). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(4) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one four thousand dollar bond, equivalent cash deposit, or other negotiable security.

(5) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses ~~((an))~~ a valid master journeyman electrician's certificate of competency, master specialty electrician's certificate of competency in the specialty for which application has been made, or administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made.

(6) Administrator certificate specialties include but are not limited to: Residential, ~~((domestic, appliance,))~~ pump and irrigation, limited energy system, signs, nonresidential maintenance, restricted nonresidential maintenance, appliance repair, and combination specialty. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.051 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board of electrical examiners shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 3. RCW 19.28.061 and 1996 c 241 s 3 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required master electrician's or administrator's examination. Effective July 1, 1987, a supervisory employee designated as the electrical contractor's master electrician or administrator shall be a full-time supervisory employee. This person shall be designated as master electrician or administrator under the license. No person may concurrently qualify as master electrician or administrator for more than one contractor. If the relationship of the master electrician or administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another master electrician or administrator is qualified by the board. However, if the master electrician or administrator dies or is otherwise incapacitated, the contractor's license is void within one hundred eighty days unless another master electrician or administrator is qualified by the board. ~~((A certificate issued under this section is valid for two years from the nearest birthdate of the administrator, unless revoked or suspended, and further is nontransferable.))~~ The contractor must notify the department in writing within ten days if the master electrician's or administrator's relationship with the contractor terminates due to the master electrician's or administrator's death or incapacitation.

(2) The department must issue an administrator's certificate to all applicants who have passed the examination as provided in RCW 19.28.051 and this section, and who have complied with the rules adopted under this chapter. The administrator's certificate must bear the date of issuance, expires on

the holder's birthday, and is nontransferable. The certificate must be renewed every three years, upon application, on or before the holder's birthday.

(a) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed by appropriate application without examination unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date.

(b) The contents and requirements for satisfactory completion of the continuing education course must be determined by the director and approved by the board.

(c) The department must accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate.

(3) A fee must be assessed for each administrator's certificate and for each renewal. An individual holding more than one administrator's certificate under this chapter is not required to pay fees for more than one certificate. The department must set the fees by rule for issuance and renewal of a certificate. The fees must cover, but not exceed, the costs of issuing the certificates and of administering and enforcing the administrator certification requirements of this chapter.

(4) The department may deny an application for an administrator's certificate for up to two years if the applicant's previous administrator's certificate has been revoked for a serious violation and all appeals concerning the revocation have been exhausted. For the purposes of this section only, a serious violation is a violation that presents imminent danger to the public. The certificate may be renewed for a ~~((two-year))~~ three-year period without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. ~~((An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate.))~~ A person may take the administrator's ~~((test))~~ examination as many times as necessary to pass without limit.

~~((2))~~ (5) The designated master electrician or administrator shall:

- (a) Be a member of the firm or a supervisory employee and shall be available during working hours to carry out the duties of an administrator under this section;
- (b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;
- (c) Ensure that the proper electrical safety procedures are used;
- (d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;
- (e) See that corrective notices issued by an inspecting authority are complied with; and
- (f) Notify the department in writing within ten days if the master electrician or administrator terminates the relationship with the electrical contractor.

~~((3))~~ (6) The department shall not by rule change the administrator's duties under subsection ~~((2))~~ (5) of this section.

Sec. 4. RCW 19.28.161 and 1997 c 309 s 1 are each amended to read as follows:

(1) No person may engage in the electrical construction trade without having a ~~((current))~~ valid master journeyman electrician certificate of competency, journeyman electrician certificate of competency, master specialty electrician certificate of competency, or ((a-current)) specialty electrician certificate of competency issued by the department in accordance with this chapter. Electrician certificate of competency specialties include, but are not limited to: Residential, ((domestic appliances,)) pump and irrigation, limited energy system, signs, ((and)) nonresidential maintenance, restricted nonresidential maintenance, and appliance repair.

(2) A person who is indentured in an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade or who is learning the electrical construction trade may work in the electrical construction trade if supervised by a certified master journeyman electrician, journeyman electrician, master specialty electrician in that electrician's specialty, or ((a-certified)) specialty electrician in that electrician's specialty. All apprentices and individuals learning the

electrical construction trade shall obtain an electrical training certificate from the department. The certificate shall authorize the holder to learn the electrical construction trade while under the direct supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or ~~((a)) specialty electrician working in ((his or her)) that electrician's specialty.~~ The holder of the electrical training certificate shall renew the certificate ~~((annually)) biennially.~~ At the time of renewal, the holder shall provide the department with an accurate list of the holder's employers in the electrical construction industry for the previous ~~((year)) biennial period~~ and the number of hours worked for each employer. ~~((An annual)) A biennial~~ fee shall be charged for the issuance or renewal of the certificate. The department shall set the fee by rule. The fee shall cover but not exceed the cost of administering and enforcing the trainee certification and supervision requirements of this chapter. Apprentices and individuals learning the electrical construction trade shall have their electrical training certificates in their possession at all times that they are performing electrical work. They shall show their certificates to an authorized representative of the department at the representative's request.

(3) Any person who has been issued an electrical training certificate under this chapter may work if that person is under supervision. Supervision shall consist of a person being on the same job site and under the control of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or ~~((an appropriate)) specialty electrician ((who has an applicable certificate of competency issued under this chapter)) working in that electrician's specialty.~~

Either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or ~~((an appropriate)) specialty electrician working in that electrician's specialty~~ shall be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day unless otherwise provided in this chapter.

(4) The ratio of noncertified individuals to certified master journeymen electricians, journeymen electricians, master specialty electricians, or specialty electricians ~~((working))~~ on ~~((a)) any one job site ((shall be))~~ is as follows:

(a) When working as a specialty electrician, not more than two noncertified individuals ((working on any one job site)) for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician ((working as a specialty electrician)), except that the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board; and

(b) When working as a journeyman electrician, not more than one noncertified individual ((working on any one job site)) for every certified master journeyman electrician or journeyman electrician, except that the ratio requirements shall be one certified master journeyman electrician or journeyman electrician to no more than four students enrolled in and working as part of an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited trade or technical schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW. In meeting the ratio requirements for students enrolled in an electrical construction program at a trade school, a trade school may receive input and advice from the electrical board.

An individual who has a current training certificate and who has successfully completed or is currently enrolled in an approved apprenticeship program or in an electrical construction program at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may work without direct on-site supervision during the last six months of meeting the practical experience requirements of this chapter.

(5) For the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties, not including appliance repair, as determined by the department in rule, either a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty must be on the same job site as the noncertified individual for a minimum of seventy-five percent of each working day. Other specialties must meet the requirements specified in RCW 19.28.191(1)(f)(ii). When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(a) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(b) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

(6) The electrical contractor shall accurately verify and attest to the electrical trainee hours worked by electrical trainees on behalf of the electrical contractor.

Sec. 5. RCW 19.28.191 and 1997 c 309 s 3 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the master journeyman electrician, journeyman electrician, master specialty electrician, or specialty electrician certificate of competency.

(a) Before July 1, 2005, an applicant who possesses a valid journeyman electrician certificate of competency in effect for the previous four years and a valid general administrator's certificate may apply for a master journeyman electrician certificate of competency without examination.

(b) Before July 1, 2005, an applicant who possesses a valid specialty electrician certificate of competency, in the specialty applied for, for the previous two years and a valid specialty administrator's certificate, in the specialty applied for, may apply for a master specialty electrician certificate of competency without examination.

(c) To be eligible to take the examination for a master journeyman electrician certificate of competency the applicant must have possessed a valid journeyman electrician certificate of competency for four years.

(d) To be eligible to take the examination for a master specialty electrician certificate of competency the applicant must have possessed a valid specialty electrician certificate of competency, in the specialty applied for, for two years.

(e) To be eligible to take the examination for a journeyman certificate of competency the applicant must have:

(i) Worked in the electrical construction trade for a minimum of ~~((four years employed full time))~~ eight thousand hours, of which ~~((two years))~~ four thousand hours shall be in industrial or commercial electrical installation under the supervision of a master journeyman electrician or journeyman electrician and not more than a total of ~~((two years))~~ four thousand hours in all specialties under the supervision of a ~~((journeyman electrician or an appropriate specialty electrician))~~ master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Specialty electricians with less than a four thousand hour work experience requirement cannot credit the time required to obtain that specialty towards qualifying to become a journeyman electrician; or

(ii) Successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade.

~~((b))~~ (f) To be eligible to take the examination ~~((to become))~~ for a specialty electrician certificate of competency the applicant ~~((shall))~~ must have:

(i) Worked in ~~((that specialty of the electrical construction trade, under the supervision of a journeyman electrician or an appropriate specialty electrician, for a minimum of two years employed full time))~~ the residential (as specified in WAC 296-46A-930(2)(a)), pump and irrigation (as specified in WAC 296-46A-930(2)(b)(i)), sign (as specified in WAC 296-46A-930(2)(c)), limited energy (as

specified in WAC 296-46A-930(2)(e)(i)), nonresidential maintenance (as specified in WAC 296-46A-930(2)(f)(i)), restricted nonresidential maintenance as determined by the department in rule, or other new nonresidential specialties as determined by the department in rule under the supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty for a minimum of four thousand hours; or

(ii) Worked in the appliance repair specialty as determined by the department in rule or a specialty other than the designated specialties in (f)(i) of this subsection for a minimum of the initial ninety days, or longer if set by rule by the department. The initial period must be spent under one hundred percent supervision of a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. After this initial period, a person may take the specialty examination. If the person passes the examination, the person may work unsupervised for the balance of the minimum hours required for certification. A person may not be certified as a specialty electrician in the appliance repair specialty or in a specialty other than the designated specialties in (f)(i) of this subsection, however, until the person has worked a minimum of two thousand hours in that specialty, or longer if set by rule by the department; or

(iii) Successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade.

~~((e))~~ (g) Any applicant for a journeyman electrician certificate of competency who has successfully completed a two-year program in the electrical construction trade at public community or technical colleges, or not-for-profit nationally accredited technical or trade schools licensed by the work force training and education coordinating board under chapter 28C.10 RCW may substitute up to two years of the technical or trade school program for two years of work experience under a master journeyman electrician or journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to apply armed service work experience towards qualification to take the examination for the journeyman electrician certificate of competency.

~~((d))~~ (h) An applicant for a specialty electrician certificate of competency who, after January 1, 2000, has successfully completed a two-year program in the electrical construction trade at a public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW, may substitute up to one year of the technical or trade school program for one year of work experience under a master journeyman electrician, journeyman electrician, master specialty electrician working in that electrician's specialty, or specialty electrician working in that electrician's specialty. Any applicant who has received training in the electrical construction trade in the armed services of the United States may be eligible to apply armed service work experience towards qualification to take the examination for an appropriate specialty electrician certificate of competency.

(i) The department must determine whether hours of training and experience in the armed services or school program are in the electrical construction trade and appropriate as a substitute for hours of work experience. The department must use the following criteria for evaluating the equivalence of classroom electrical training programs and work in the electrical construction trade:

(i) A two-year electrical training program must consist of three thousand or more hours.

(ii) In a two-year electrical training program, a minimum of two thousand four hundred hours of student/instructor contact time must be technical electrical instruction directly related to the scope of work of the electrical specialty. Student/instructor contact time includes lecture and in-school lab.

(iii) The department may not allow credit for a program that accepts more than one thousand hours transferred from another school's program.

(iv) Electrical specialty training school programs of less than two years will have all of the above student/instructor contact time hours proportionately reduced. Such programs may not apply to more than fifty percent of the work experience required to attain certification.

(v) Electrical training programs of less than two years may not be credited towards qualification for journeyman electrician unless the training program is used to gain qualification for a four thousand hour electrical specialty.

(j) No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board. Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

(3) No noncertified individual may work unsupervised more than one year beyond the date when the trainee would be eligible to test for a certificate of competency if working on a full-time basis after original application for the trainee certificate. For the purposes of this section, full-time basis means two thousand hours.

Sec. 6. RCW 19.28.201 and 2001 c 211 s 13 are each amended to read as follows:

The department, in coordination with the board, shall prepare an examination to be administered to applicants for master journeyman electrician, journeyman electrician, master specialty electrician, and specialty electrician certificates of competency.

The department, with the consent of the board, may enter into a contract with a professional testing agency to develop, administer, and score electrician certification examinations. The department may set the examination fee by contract with the professional testing agency.

The department must, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.191. The fee must cover, but not exceed, the costs of preparing and administering the examination.

The department must certify the results of the examination upon the terms and after such a period of time as the department, in cooperation with the board, deems necessary and proper.

(1)(a) The master electrician's certificates of competency examinations must include questions from the following categories to ensure proper safety and protection for the general public: (i) Safety; (ii) the state electrical code; and (iii) electrical theory.

(b) A person may take the master electrician examination as many times as necessary without limit. All applicants must, before taking the examination, pay the required examination fee to the agency administering the examination.

(2) The journeyman electrician and specialty electrician examinations shall be constructed to determine:

~~((4))~~ (a) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

~~((2))~~ (b) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

~~((The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.191. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay the required examination fee to the agency administering the examination. The fee shall cover but not exceed the costs of preparing and administering the examination.~~

~~The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board, deems necessary and proper.~~

~~(3) The department upon the consent of the board may enter into a contract with a professional testing agency to develop, administer, and score journeyman and/or specialty electrician certification examinations. The department may set the examination fee by contract with the professional testing agency.))~~

A person may take the examination as many times as necessary without limit. All applicants must, before taking the examination, pay the required examination fee to the agency administering the examination.

Sec. 7. RCW 19.28.211 and 2001 c 211 s 14 are each amended to read as follows:

(1) The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 19.28.201, and who have complied with RCW 19.28.161 through 19.28.271 and the rules adopted under this chapter. The certificate shall bear the date of issuance, and shall expire on the holder's birthday. The certificate shall be renewed every three years, upon application, on or before the holder's birthdate. A fee shall be assessed for each certificate and for each annual renewal.

(2) If the certificate holder demonstrates to the department that he or she has satisfactorily completed an annual eight-hour continuing education course, the certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date.

(a) The contents and requirements for satisfactory completion of the continuing education course shall be determined by the director and approved by the board.

(b) The department shall accept proof of a certificate holder's satisfactory completion of a continuing education course offered in another state as meeting the requirements for maintaining a current Washington state certificate of competency if the department is satisfied the course is comparable in nature to that required in Washington state for maintaining a current certificate of competency.

(3) If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. The department shall set the fees by rule for issuance and renewal of a certificate of competency. The fees shall cover but not exceed the costs of issuing the certificates and of administering and enforcing the electrician certification requirements of this chapter.

(4) The certificates of competency and temporary permits provided for in this chapter grant the holder the right to work in the electrical construction trade as a master electrician, journeyman electrician, or specialty electrician in accordance with their provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license, permit, or fee to engage in such work.

Sec. 8. RCW 19.28.241 and 2001 c 211 s 17 are each amended to read as follows:

(1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW 19.28.161 through 19.28.271 or any rule adopted under this chapter; or

(d) The holder thereof has committed a serious violation of this chapter or any rule adopted under this chapter. A serious violation is a violation that presents imminent danger to the public.

(2) The department may deny an application for a certificate of competency for up to two years if the applicant's previous certificate of competency has been revoked.

~~((2))~~ (3) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.05 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

~~((3))~~ (4) The department shall immediately suspend the license or certificate of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license or certificate shall be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order."

Correct the title.

Representatives Conway, Clements and Lisk spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6630, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6630, as amended by the House and the bill passed the House by the following vote: Yeas - 95, Nays - 1, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 95.

Voting nay: Representative Sump - 1.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Senate Bill No. 6630, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6588, by Senate Committee on Agriculture & International Trade (originally sponsored by Senators Rasmussen and Swecker)

Requiring exclusive statewide food service rules for food service establishments.

The bill was read the second time.

With the consent of the House, amendments (474), (476) and (484) were withdrawn.

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

Representatives Linville, Schoesler and Campbell spoke in favor of passage of the bill.

6588 COLLOQUY

Representative Campbell:

Representative Linville:

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6588.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6588 and the bill passed the House by the following vote: Yeas - 90, Nays - 6, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Cody, Conway, McIntire, Murray, Schual-Berke, and Upthegrove - 6.

Excused: Representatives Armstrong, and McMorris - 2.

Engrossed Substitute Senate Bill No. 6588, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6658, by Senate Committee on Environment, Energy & Water (originally sponsored by Senators Poulsen, Hale, Regala, Morton, Fraser, Keiser and Rasmussen)

Clarifying the types of energy conservation projects a public utility may assist its customers in financing.

The bill was read the second time.

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

Representatives Morris and Crouse spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6658.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6658 and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 6658, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6571, by Senators Franklin, Gardner, Fraser, Winsley, Keiser, McCaslin, Hargrove, Regala, Shin, Jacobsen, Snyder, Poulsen, Costa, B. Sheldon, Kastama, Spanel, Haugen, Fairley, Thibaudeau, McAuliffe, Rasmussen, Kohl-Welles and Oke

Providing fiscal impact statements for ballot measures.

The bill was read the second time.

Representative Mastin moved the adoption of amendment (453):

On page 1, line 8, after "statement" insert "and taxpayer impact statements"

On page 2, after line 7, insert the following:

"A taxpayer impact statement must describe any projected tax increases or tax decreases, including both the total aggregate amount of projected tax increases or decreases and the projected increases or decreases for individual taxpayers or for different classes of taxpayers. The taxpayer impact statement must include a summary, not exceeding one hundred words, and a more detailed statement that includes the assumptions that were made to develop the tax impacts. The taxpayer impact statement must be written in clear and concise language and avoid legal and technical terms when possible, and may include easy to understand graphics. Where appropriate, the taxpayer impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context."

On page 2, line 8, after "statements" insert "and taxpayer impact statements"

On page 2, line 30, after "statement" insert "and taxpayer impact statement"

Representatives Mastin and Schindler spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Schindler moved the adoption of amendment (460):

On page 1, line 8, after "statement" insert "and a business economic impact statement"

On page 1, line 15, after "statements" insert "and business economic impact statements"

On page 2, after line 7, insert the following:

"A business economic impact statement must include a brief description of any reporting, recordkeeping, and other compliance requirements of the proposed initiative or referendum, and the kinds of professional services that a business is likely to need in order to comply with such requirements. It shall analyze the costs of compliance for businesses required to comply with the proposed initiative or referendum, including costs of equipment, supplies, labor, and increased administrative costs. It shall consider, based on input received, whether compliance with the initiative or referendum will cause businesses to lose sales or revenue. The impact statement must determine whether the proposed initiative or referendum will have a disproportionate impact on small businesses. To determine this, the impact statement must compare the cost of compliance for small business with the cost of compliance for the ten percent of businesses that are the largest businesses required to

comply with the proposed initiative or referendums using one or more of the following as a basis for comparing costs:

- (a) Cost per employee;
- (b) Cost per hour of labor; or
- (c) Cost per one hundred dollars of sales.

The business economic impact statement must include a list of industries that will be required to comply with the initiative or referendum. The office of financial management may survey a representative sample of affected businesses or trade associations and should, whenever possible, appoint a committee of representative businesses to assist in the accurate assessment of the costs of a proposed initiative or referendum, and the means to reduce the costs imposed on businesses. The business economic impact statement must include both a summary, not exceeding one hundred words, and a more detailed statement that includes the assumptions that were made to develop the business impacts."

On page 2, line 8, after "statements" insert "and business economic impact statements"

On page 2, line 30, after "statement" insert "and business economic impact statement"

Representatives Schindler, Mastin, Anderson, Bush and Mulliken spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

Representative McDermott moved the adoption of amendment (482):

On page 2, line 4, after "context" insert ", including which specific government services or programs will be impacted"

On page 3, after line 8, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 29.79 RCW to read as follows:

If a fiscal impact statement identifies a combined financial impact of at least twenty-five million dollars on state and local governments, the office of financial management shall prepare a notice of probable fiscal impacts to be placed on the ballot beneath the ballot title. The office of financial management shall prepare a notice of probable fiscal impacts in consultation with the secretary of state, the attorney general, and any other appropriate state or local agencies.

The notice of probable impacts must be no more than fifty words in length, and written in clear and concise language, avoiding legal and technical terms when possible. Where appropriate, the notice of probable impacts may include both estimated dollar amounts and a description placing the estimated dollar amounts into context, including which specific government services or programs will be impacted.

The notice of probable impacts must appear on all ballots directly beneath the ballot title. Above the notice must be a heading in capital letters, stating "NOTICE OF PROBABLE FISCAL IMPACTS OF BALLOT MEASURE."

Sec. 4. RCW 29.30.081 and 1990 c 59 s 13 are each amended to read as follows:

(1) On the top of each ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election. If a state measure has a combined fiscal impact of at least twenty-five million dollars on state and local governments, a fifty word notice of probable fiscal

impacts prepared by the office of financial management under section 3 of this act must be placed on the ballot beneath the ballot title.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first following the appropriate office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state.

(3) The names of candidates for president and vice-president for each political party shall be grouped together with a single response position for a voter to indicate his or her choice.

(4) All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative McDermott spoke in favor of the adoption of the amendment.

Representative Lisk spoke against the adoption of the amendment.

The amendment was adopted.

Representative Schindler moved the adoption of amendment (481):

On page 2, after line 10, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 29.79 RCW to read as follows:

Once a fiscal impact statement is filed with the secretary of state, the secretary of state shall immediately provide the text of the fiscal impact statement to the person or persons proposing the ballot measure and any others who have made written request for notification of the exact language of the statement.

A person dissatisfied with the fiscal impact statement may appeal to the superior court of Thurston County within five days of the filing date and must state reasons for the appeal. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the ballot measure and the fiscal impact statement, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state a fiscal impact statement it determines is sufficient.

The decision of the superior court is final, and its fiscal impact statement is the established fiscal impact statement.

NEW SECTION. Sec. 3. A new section is added to chapter 29.79 RCW to read as follows:

Any person injured by the negligent preparation of a fiscal impact statement by a state agency is entitled to recover economic damages and reasonable costs and attorneys' fees incurred as a result of the negligent preparation of the fiscal impact statement."

Correct the title and renumber the remaining section consecutively.

Representative Schindler spoke in favor of the adoption of the amendment.

Representative McDermott spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6571, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6571, as amended by the House and the bill passed the House by the following vote: Yeas - 58, Nays - 38, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Ballasiotes, Barlean, Berkey, Buck, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Tokuda, Voloria, Wood, Woods, and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Anderson, Ballard, Benson, Boldt, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Nixon, O'Brien, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Skinner, Sump, Talcott, Upthegrove, and Van Luven - 38.

Excused: Representatives Armstrong, and McMorris - 2.

Senate Bill No. 6571, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6426, by Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Keiser, Winsley, Prentice, Franklin, Thibaudeau and Kohl-Welles)

Allowing sick leave to care for family members.

The bill was read the second time.

With the consent of the House, amendments (454), (436), (437), (438), (439), (428), (440), (436) and (434) were withdrawn.

Representative Conway moved the adoption of amendment (493):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 49.12.270 and 1988 c 236 s 3 are each amended to read as follows:

(1) If, under the terms of a collective bargaining agreement or employer policy applicable to an employee, the employee is entitled to sick leave or other paid time off, then an employer shall allow an employee to use any or all of the employee's ((accrued)) choice of sick leave or other paid time off to care for ((a)): (a) A child of the employee ((under the age of eighteen)) with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. An employee may not take advance leave until it has been earned. The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave.

(2) Use of leave other than (~~accrued~~) sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

NEW SECTION. Sec. 2. A new section is added to chapter 49.12 RCW to read as follows:
The definitions in this section apply throughout RCW 49.12.270 through 49.12.295 unless the context clearly requires otherwise.

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

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

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

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

(5) "Sick leave or other paid time off" means time allowed under the terms of an appropriate collective bargaining agreement or employer policy, as applicable, to an employee for illness, vacation, and personal holiday.

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

NEW SECTION. Sec. 3. A new section is added to chapter 49.12 RCW to read as follows:
An employer shall not discharge, threaten to discharge, demote, suspend, discipline, or otherwise discriminate against an employee because the employee: (1) Has exercised, or attempted to exercise, any right provided under RCW 49.12.270 through 49.12.295; or (2) has filed a complaint, testified, or assisted in any proceeding under RCW 49.12.270 through 49.12.295.

NEW SECTION. Sec. 4. This act takes effect January 1, 2003."

Representatives Conway and Clements spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Dickerson, Clements, Conway and Mulliken spoke in favor of passage of the bill.

6426COLLOQUY

Representative Clements:

Representative Dickerson:

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6426, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6426, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements,

Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 96.

Excused: Representatives Armstrong, and McMorris - 2.

Substitute Senate Bill No. 6426, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2002

Mr. Speaker:

The Senate has passed:
and the same is herewith transmitted.

HOUSE BILL NO. 2902,

Tony M. Cook, Secretary

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

There being no objection, the House adjourned until 10:00 a.m., March 9, 2002, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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SPEAKER OF THE HOUSE

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JOURNAL OF THE HOUSE

FIFTY FOURTH DAY, MARCH 8, 2002

OPR --

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from that in the original published version.**

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 9, 2002

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

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

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Walsh and Daniel Baron. Prayer was offered by Representative Joyce Mulliken.

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

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

March 8, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 2031,
HOUSE BILL NO. 2286,
HOUSE BILL NO. 2550,
HOUSE BILL NO. 2669,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 8, 2002

Mr. Speaker:

The Senate has failed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1474,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2427,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1166, with the following amendment(s):

On page 2, line 16, after "organization," insert "regional fisheries enhancement group."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1166 and advanced the bill as amended by the Senate to final passage.

Representatives Rockefeller and Sump spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1166 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 1166, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1397, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that relatives increasingly are assuming the responsibility for raising the children of their loved ones. The parents of these children are unable to fulfill this responsibility themselves because of various and complex reasons.

The legislature recognizes that these kinship caregivers perform a vital function in our society by providing homes for children who would otherwise be at risk of foster care placement. These homes offer stability to children in crisis and enhance family reunification. Outcome data shows that children in the care of relatives are less likely to enter state custody, and most of these arrangements do not require intensive supervision of the placement by the courts or by the department of social and health services. The legislature recognizes that kinship care is a legitimate and important component in the spectrum of out-of-home placements available to children in need.

The legislature recognizes that these kinship caregivers face many difficulties and need assistance to support the health and well-being of the children they care for. These needs include, but are not limited to, legal assistance, respite care services, financial assistance, counseling, and other supportive services.

NEW SECTION. Sec. 2. (1) Within existing resources, the department of social and health services shall convene a kinship caregivers working group subsequent to the release in June 2002 of the kinship caregivers study being conducted by the Washington state institute for public policy. The working group shall comprise:

- (a) The children's administration;
 - (b) The aging and adult services administration;
 - (c) The economic services administration;
 - (d) Kinship caregivers; and
 - (e) Other stakeholders, such as the grandparents' coalition.
- (2) The kinship caregivers working group shall:
- (a) Review the Washington state institute for public policy kinship caregivers study;
 - (b) Develop a briefing for the legislature that identifies and prioritizes:
 - (i) The policy issues to be considered in making kinship care a robust component of the out-of-home placements spectrum including consideration of a financial means test;
 - (ii) The federal and state statutes associated with these policy issues; and

(iii) Options for addressing these policy issues; and
(c) Submit the briefing to the appropriate committees in the senate and house of representatives by November 1, 2002."

On page 1, line 1 of the title, after "relatives;" strike the remainder of the title and insert "and creating new sections."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1397 and advanced the bill as amended by the Senate to final passage.

Representatives Tokuda and Boldt spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 1397, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1444, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature declares that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The legislature finds that harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

Furthermore, the legislature finds that students learn by example. The legislature commends school administrators, faculty, staff, and volunteers for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

NEW SECTION. Sec. 2. (1) By August 1, 2003, each school district shall adopt or amend if necessary a policy, within the scope of its authority, that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees.

(2) "Harassment, intimidation, or bullying" means any intentional written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional written, verbal, or physical act:

- (a) Physically harms a student or damages the student's property; or
- (b) Has the effect of substantially interfering with a student's education; or
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4) By August 1, 2002, the superintendent of public instruction, in consultation with representatives of parents, school personnel, and other interested parties, shall provide to school districts and educational service districts a model harassment, intimidation, and bullying prevention policy and training materials on the components that should be included in any district policy. Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

- (a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;
- (b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available; and
- (c) Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.320 RCW to read as follows:

Beginning with the 2002-03 school year, each school district shall report to the superintendent of public instruction by January 31st of each year all incidents resulting in disciplinary action involving harassment, intimidation, or bullying on school premises or on transportation systems used by schools, in the year preceding the report. The superintendent shall compile the data and report it to the appropriate committees of the house of representatives and the senate.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

(1) No school employee, student, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

(2) A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report such incident to an appropriate school official.

(3) A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.600 RCW; and creating new sections."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1444 and advanced the bill as amended by the Senate to final passage.

Representatives Quall and Talcott spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1444 and the bill passed the House by the following vote: Yeas - 86, Nays - 8, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Uptegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 86.

Voting nay: Representatives Ballard, Benson, Chandler, Crouse, Holmquist, Lisk, Mulliken, and Sump - 8.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 1444, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1856, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.225 RCW to read as follows:

The legislature finds that state-recognized search and rescue activities, as defined in chapter 38.52 RCW and the rules interpreting the chapter, are recognized as activities deserving of excuse from school. Therefore, the legislature strongly encourages that excused absences be granted to students for up to five days each year to participate in search and rescue activities, subject to approval by the student's parent and the principal of the student's school, and provided that the activities do not cause a serious adverse effect upon the student's educational progress."

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "and adding a new section to chapter 28A.225 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 1856 and advanced the bill as amended by the Senate to final passage.

Representatives Morell and Quall spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1856 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 1856, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2160, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.38.020 and 1998 c 284 s 2 are each amended to read as follows:

(1) Upon granting to such insurer or institution under RCW 48.38.010 a certificate of exemption to conduct a charitable gift annuity business, the insurance commissioner shall require it to establish and maintain a separate reserve fund adequate to meet the future payments under its charitable gift annuity contracts.

(2) The assets of the separate reserve fund:

(a) Shall be held legally and physically segregated from the other assets of the certificate of exemption holder;

(b) Shall be invested in the same manner that persons of reasonable prudence, discretion, and intelligence exercise in the management of a like enterprise, not in regard to speculating but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Investments shall be of sufficient value, liquidity, and diversity to assure the insurer or institution's ability to meet its outstanding obligations; and

(c) Shall not be liable for any debts of the insurer or institution holding a certificate of exemption under this chapter, other than those incurred pursuant to the issuance of charitable gift annuities.

(3) The amount of the separate reserve fund shall be:

(a) For contracts issued prior to July 1, 1998, not less than an amount computed in accordance with the standard of valuation based on the 1971 individual annuity mortality table with six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity contracts;

(b) For contracts issued on or after July 1, 1998, in an amount not less than the aggregate reserves calculated according to the standards set forth in RCW 48.74.030 for other annuities with no cash settlement options;

(c) Plus a surplus of ten percent of the combined amounts under (a) and (b) of this subsection.

(4) The general assets of the insurer or institution holding a certificate of exemption under this chapter shall be liable for the payment of annuities to the extent that the separate reserve fund is inadequate.

(5) For any failure on its part to establish and maintain the separate reserve fund, the insurance commissioner shall revoke its certificate of exemption.

(6) If an institution holding a certificate of exemption under RCW 48.38.010 has purchased a single premium life annuity that pays the entire amount stipulated in the gift annuity agreement or agreements from an insurer (a) holding a certificate of authority under chapter 48.05 RCW, (b) licensed in the state in which the institution has its principle office, and (c) licensed in the state in which the single premium life annuity is issued, then in determining the minimum reserve fund that must be maintained under this section, a deduction shall be allowed from the minimum reserve fund in an amount not exceeding the reserve fund amount required for the annuity or annuities for which the single premium life annuity is purchased, subject to the following conditions:

(i) The institution has filed with the commissioner a copy of the single premium life annuity purchased and specifying which charitable gift annuity or annuities are being insured; and

(ii) The institution has entered into a written agreement with the annuitant and the insurer issuing the single premium life annuity providing that if for any reason the institution is unable to continue making the annuity payments required by its annuity agreements, the annuitants shall receive payments directly from the insurer and the insurer shall be credited with all of these direct payments in the accounts between the insurer and the institution."

On page 1, line 2 of the title, after "business;" strike the remainder of the title and insert "and amending RCW 48.38.020."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2160 and advanced the bill as amended by the Senate to final passage.

Representatives McIntire and Benson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2160 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2160, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2169, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 52.16.050 and 1998 c 5 s 1 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the county treasurer shall pay out money received for the account of the district on warrants issued by the county auditor against the proper funds of the district. The warrants shall be issued on vouchers approved and signed by a majority of the district board and by the district secretary.

(2) The board of fire commissioners of a district that had an annual operating budget of five million or more dollars in each of the preceding three years may by resolution adopt a policy to issue its own warrants for payment of claims or other obligations of the fire district. The board of fire commissioners, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board of fire commissioners, authorizing the county treasurer to pay all the warrants specified by date, number, name, and amount, and the accounting funds on which the warrants shall be drawn; thereupon the district secretary may issue the warrants specified in the general certificate.

(3) The board of fire commissioners of a district that had an annual operating budget of greater than two hundred fifty thousand dollars and under five million dollars in each of the preceding three years may upon agreement between the county treasurer and the fire district commission, with approval of the fire district commission by resolution, adopt a policy to issue its own warrants for payment of claims or other obligations of the fire district. The board of fire commissioners, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chair of the board of fire commissioners, authorizing the county treasurer to pay all the warrants specified by date, number, name, and amount, and the accounting funds on which the warrants shall be drawn. The district secretary may then issue the warrants specified in the general certificate.

(4) The county treasurer may also pay general obligation bonds and the accrued interest thereon in accordance with their terms from the general obligation bond fund when interest or principal payments become due. The county treasurer shall report in writing monthly to the secretary of the district the amount of money held by the county in each fund and the amounts of receipts and disbursements for each fund during the preceding month."

On page 1, line 1 of the title, after "warrants;" strike the remainder of the title and insert "and amending RCW 52.16.050."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2169 and advanced the bill as amended by the Senate to final passage.

Representative Alexander spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2169 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2169, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2352, with the following amendment(s):

On page 18, after line 10, insert the following:

"NEW SECTION Sec. 26. This act shall take effect July 1, 2002."

On page 1, line 8 of the title, after "sections;" strike "and" and on line 10 after "43.19.540" insert "; and providing an effective date"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2352 and advanced the bill as amended by the Senate to final passage.

Representatives Romero and Alexander spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2352 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 2352, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2379, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.42 RCW to read as follows:

(1) A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (a) the parent of a child; (b) entrusted with the physical custody of a child; or (c) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

(2) It is an affirmative defense to the charge of leaving a child in the care of a sex offender under this section, that the defendant must prove by a preponderance of the evidence, that a court has

entered an order allowing the offender to have unsupervised contact with children, or that the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

(3) Leaving a child in the care of a sex offender is a misdemeanor."

On page 1, line 1 of the title, after "offender;" strike the remainder of the title and insert "adding a new section to chapter 9A.42 RCW; and prescribing penalties."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2379 and advanced the bill as amended by the Senate to final passage.

Representatives O'Brien and Ballasiotes spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2379 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2379, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2382, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that responses by the department of social and health services and public safety agencies have varied between jurisdictions when allegations of withholding of the basic necessities of life are made. The legislature intends to improve the capacity of the department of social and health services and public safety agencies to respond to situations where the basic necessities of life are withheld by allowing an earlier intervention in such cases. The legislature finds that improved coordination between the department of social and health services and public safety agencies at an earlier point will lead to better treatment of children and families and will reduce the likelihood of serious harm.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent

person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) Criminal mistreatment in the fourth degree is a misdemeanor.

Sec. 3. RCW 9A.42.040 and 2000 c 76 s 2 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply to decisions to withdraw life support systems made in accordance with chapter 7.70 or 70.122 RCW by the dependent person, his or her legal surrogate, or others with a legal duty to care for the dependent person.

Sec. 4. RCW 9A.42.045 and 2000 c 76 s 3 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply when a terminally ill or permanently unconscious person or his or her legal surrogate, as set forth in chapter 7.70 RCW, requests, and the person receives, palliative care from a licensed home health agency, hospice agency, nursing home, or hospital providing care under the medical direction of a physician. As used in this section, the terms "terminally ill" and "permanently unconscious" have the same meaning as "terminal condition" and "permanent unconscious condition" in chapter 70.122 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 9A.42 RCW to read as follows:

(1) When a law enforcement officer arrests a person for criminal mistreatment of a child, the officer must notify child protective services.

(2) When a law enforcement officer arrests a person for criminal mistreatment of a dependent person other than a child, the officer must notify adult protective services.

Sec. 6. RCW 10.05.010 and 1998 c 208 s 1 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

Sec. 7. RCW 10.05.020 and 1996 c 24 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgement of his or her rights; (b) an acknowledgement and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgement that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the charges or sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems, or in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

~~((3))~~ (4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 8. RCW 10.05.030 and 1999 c 143 s 42 are each amended to read as follows:

The arrainging judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment program as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, ~~((or))~~ to an approved mental health center, if the petition alleges a mental problem, or the department of social and health services if the petition is brought under RCW 10.05.020(2).

Sec. 9. RCW 10.05.040 and 1985 c 352 s 7 are each amended to read as follows:

The facility to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem described;
- (2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required;
- (4) Whether effective treatment or child welfare services for the person's problem ~~((is))~~ are available; and

(5) Whether the person is amenable to treatment or willing to cooperate with child welfare services.

Sec. 10. RCW 10.05.050 and 1985 c 352 s 8 are each amended to read as follows:

(1) The facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

~~((1))~~ (a) The type;

~~((2))~~ (b) Nature;

~~((3))~~ (c) Length;

~~((4))~~ (d) A treatment or service time schedule; and

~~((5))~~ (e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment facility or the department of social and health services that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement every three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

Sec. 11. RCW 26.44.130 and 1988 c 190 s 4 are each amended to read as follows:

When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause to believe that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the peace officer has the authority to arrest the person without a warrant pursuant to RCW 10.31.100.

NEW SECTION. Sec. 12. A new section is added to chapter 10.05 RCW to read as follows:

Child welfare services provided under chapter 74.13 RCW pursuant to a deferred prosecution ordered under RCW 10.05.060 may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 74.13 RCW to read as follows:

The department or its contractors may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 14. RCW 10.05.120 and 1998 c 208 s 3 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the two-year treatment program, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been

terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

NEW SECTION. Sec. 15. (1) The department of social and health services, in consultation with the attorney general and organizations representing law enforcement agencies, shall prepare a plan for improved coordination of services to families when a member of the family is charged with criminal mistreatment under chapter 9A.42 RCW. The plan shall include revisions in the department's identification of the needs for services for the families following an arrest and filing of criminal mistreatment charges, delivery of such services, ways of enhancing cooperation with law enforcement agencies during and following the investigation and trial on such charges, improved identification of those incidents which may precede such charges and are indicators of a need for offering of services and possible improvements in the methods of response to such incidents, suggestions for ongoing efforts in reducing the number of criminal mistreatment charges through improved identification of incidents and trends that are markers of potentially serious family stress, and a review of the adequacy of current sentencing for violations of the criminal mistreatment statutes.

(2) The department of social and health services shall regularly consult with the legislature in the preparation of the plan. The plan shall be submitted to the governor and the legislature not later than December 1, 2002.

(3) This section expires December 31, 2002."

On page 1, line 1 of the title, after "mistreatment;" strike the remainder of the title and insert "amending RCW 9A.42.040, 9A.42.045, 10.05.010, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 26.44.130, and 10.05.120; adding new sections to chapter 9A.42 RCW; adding a new section to chapter 10.05 RCW; adding a new section to chapter 74.13 RCW; creating new sections; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2382 and advanced the bill as amended by the Senate to final passage.

Representatives Dickerson and Ballasiotes spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2382 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2382, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2386, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.15.012 and 2000 c 160 s 1 and 2000 c 117 s 1 are each reenacted and amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(f) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

(g) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(h) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((h))~~ (i) A student who meets the requirements of RCW 28B.15.0131 or 28B.15.0139: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((g))~~ (h) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter. This condition shall not apply to students from Columbia, Multnomah, Clatsop, Clackamas, or Washington county, Oregon participating in the border county pilot project under RCW 28B.80.806, 28B.80.807, and 28B.15.0139.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to

return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 2. RCW 28B.15.012 and 2000 c 117 s 2 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean:

(a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which the student has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational;

(b) A dependent student, if one or both of the student's parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution;

(c) A student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous;

(d) Any student who has spent at least seventy-five percent of both his or her junior and senior years in high schools in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who enrolls in a public institution of higher education within six months of leaving high school, for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year;

(e) A student who is on active military duty stationed in the state or who is a member of the Washington national guard;

(f) A student who is the spouse or a dependent of a person who is on active military duty stationed in the state;

(g) A student who resides in the state of Washington and is the spouse or a dependent of a person who is a member of the Washington national guard;

(h) A student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition agreement as described in RCW 28B.15.725; or

~~((h))~~ (i) A student who meets the requirements of RCW 28B.15.0131: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying purposes only such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that the student has in fact established a bona fide domicile in this state primarily for purposes other than educational.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of RCW 28B.15.012 and 28B.15.013. Except for students qualifying under subsection (2)~~((g))~~ (h) of this section, a nonresident student shall include:

(a) A student attending an institution with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one year after the completion of such semester or quarter.

(b) A person who is not a citizen of the United States of America who does not have permanent or temporary resident status or does not hold "Refugee-Parolee" or "Conditional Entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the

United States under color of law and who does not also meet and comply with all the applicable requirements in RCW 28B.15.012 and 28B.15.013.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where the student intends to remain, and to which the student expects to return when the student leaves without intending to establish a new domicile elsewhere. The burden of proof that a student, parent or guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(5) The term "dependent" shall mean a person who is not financially independent. Factors to be considered in determining whether a person is financially independent shall be set forth in rules and regulations adopted by the higher education coordinating board and shall include, but not be limited to, the state and federal income tax returns of the person and/or the student's parents or legal guardian filed for the calendar year prior to the year in which application is made and such other evidence as the board may require.

Sec. 3. RCW 28B.101.040 and 1993 sp.s. c 18 s 35 and 1993 c 385 s 2 are each reenacted and amended to read as follows:

Grants may be used by eligible participants to attend any public or private college or university in the state of Washington that is accredited by an accrediting association recognized by rule of the higher education coordinating board and that has an existing unused capacity. Grants shall not be used to attend any branch campus or educational program established under chapter 28B.45 RCW. The participant shall not be eligible for a grant if it will be used for any programs that include religious worship, exercise, or instruction or to pursue a degree in theology. Each participating student may receive up to two thousand five hundred dollars per academic year, not to exceed the student's demonstrated financial need for the course of study. Resident students as defined in RCW 28B.15.012(2)((~~e~~)) (f) are not eligible for grants under this chapter.

NEW SECTION. **Sec. 4.** Section 1 of this act expires June 30, 2002.

NEW SECTION. **Sec. 5.** Section 2 of this act takes effect June 30, 2002."

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "amending RCW 28B.15.012; reenacting and amending RCW 28B.15.012 and 28B.101.040; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2386 and advanced the bill as amended by the Senate to final passage.

Representative Simpson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2386 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representative Dunn - 1.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 2386, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2407, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.48 RCW to read as follows:

(1) Regional jails may be created and operated between two or more local governments, or one or more local governments and the state, and may be governed by representatives from multiple jurisdictions.

(2) A jurisdiction that confines persons prior to conviction in a regional jail in another county is responsible for providing private telephone, video-conferencing, or in-person contact between the defendant and his or her public defense counsel.

(3) The creation and operation of any regional jail must comply with the interlocal cooperation act described in chapter 39.34 RCW.

(4) Nothing in this section prevents counties and cities from contracting for jail services as described in RCW 70.48.090."

On page 1, line 2 of the title, after "jails;" strike the remainder of the title and insert "and adding a new section to chapter 70.48 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2407 and advanced the bill as amended by the Senate to final passage.

Representatives Ballasiotes and O'Brien spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2407 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 2407, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2441, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 44.39.070 and 1977 ex.s. c 328 s 18 are each amended to read as follows:

(1) The committee shall ~~((only))~~ meet and function at the following times: (a) At least once per year or at anytime upon the call of the chair to receive information related to the state or regional energy supply situation; (b) during a condition of energy supply alert or energy emergency; and (c) upon the call of the chair, in response to gubernatorial action to terminate such a condition. Upon the declaration by the governor of a condition of energy supply alert or energy emergency, the committee on energy ~~((and utilities))~~ supply shall meet to receive any plans proposed by the governor for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy supply alert or energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other relevant matters the governor deems desirable. The committee shall review such plans and matters and shall transmit its recommendations to the governor for review. The committee ~~((shall))~~ may review any voluntary programs or local or regional programs for the production, allocation, or consumption of energy which have been submitted to the committee.

(2) The committee shall receive any request from the governor for the approval of a declaration of a condition of energy emergency as provided in RCW 43.21G.040 as now or hereafter amended and shall either approve or disapprove such request.

(3) During a condition of energy supply alert, the committee shall: (a) Receive any request from the governor for an extension of the condition of energy supply alert for an additional ~~((sixty))~~ period of time not to exceed ninety consecutive days and the findings upon which such request is based; (b) receive any request from the governor for subsequent extensions of the condition of energy supply alert for an additional period of time not to exceed one hundred twenty consecutive days and the findings upon which such a request is based; and ~~((shall))~~ (c) either approve or disapprove ~~((such request))~~ the requested extensions. When approving a request, the committee may specify a longer period than requested, up to ninety days for initial extensions and one hundred twenty days for additional extensions.

(4) During a condition of energy emergency the committee shall: (a) Receive any request from the governor for an extension of the condition of energy emergency for an additional period of time not to exceed forty-five consecutive days and the finding upon which any such request is based; (b) receive any request from the governor for subsequent extensions of the condition of energy emergency for an additional period of time not to exceed sixty consecutive days and the findings upon which such a request is based; and ~~((shall))~~ (c) either approve or disapprove ~~((such request))~~ the requested extensions. When approving a request, the committee may specify a longer period than requested, up to forty-five days for initial extensions and sixty days for additional extensions.

Sec. 2. RCW 43.21G.040 and 1987 c 505 s 83 are each amended to read as follows:

(1) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the

Washington Administrative Code, and any other relevant matters the governor deems desirable. The governor shall review any recommendations of the committee concerning such plans and matters.

Upon the declaration of a condition of energy supply alert or energy emergency, the emergency powers as set forth in this chapter shall become effective only within the area described in the declaration.

(2) A condition of energy supply alert shall terminate ninety consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy supply alert continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy supply alert.

~~((In the event any such initial extension is implemented, the condition shall terminate one hundred and fifty consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate sixty consecutive days after the implementation of such extension.))~~

An initial extension of an energy supply alert approved and implemented under this subsection shall be for a specified period of time not to exceed ninety consecutive days after the expiration of the original declaration. Any subsequent extensions shall be for a specified period of time not to exceed one hundred twenty consecutive days after the expiration of the previous extension.

(3) A condition of energy emergency shall terminate forty-five consecutive days after the declaration of such condition unless:

(a) Extended by the governor upon issuing a finding that the energy emergency continues to exist, and with prior approval of such an extension by the committee; or

(b) Extended by the governor based on a declaration by the president of the United States of a national state of emergency in regard to energy supply; or

(c) Upon the request of the governor, extended by declaration of the legislature by concurrent resolution of a continuing energy emergency.

~~((In the event any such initial extension is implemented, the condition shall terminate ninety consecutive days after the declaration of such condition. One or more subsequent extensions may be implemented through the extension procedures set forth in this subsection. In the event any such subsequent extension is implemented, the condition shall terminate forty-five consecutive days after the implementation of such extension.))~~

An initial extension of an energy emergency approved and implemented under this subsection shall be for a specified period of time not to exceed forty-five consecutive days after the expiration of the original declaration. Any subsequent extensions shall be for a specified period of time not to exceed sixty consecutive days after the expiration of the previous extension.

(4) A condition of energy supply alert or energy emergency shall cease to exist upon a declaration to that effect by either of the following: (a) The governor; or (b) the legislature, by concurrent resolution, if in regular or special session: PROVIDED, That the governor shall terminate a condition of energy supply alert or energy emergency when the energy supply situation upon which the declaration of a condition of energy supply alert or energy emergency was based no longer exists.

(5) In a condition of energy supply alert, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such energy supply alert, issue orders to: (a) Suspend or modify existing rules of the Washington Administrative Code of any state agency relating to the consumption of energy by such agency or to the production of energy, and (b) direct any state or local governmental agency to implement programs relating to the consumption of energy by the agency which have been developed by the governor or the agency and reviewed by the committee.

(6) In addition to the powers in subsection (5) of this section, in a condition of energy emergency, the governor may, as deemed necessary to preserve and protect the public health, safety, and general welfare, and to minimize, to the fullest extent possible, the injurious economic, social, and environmental consequences of such an emergency, issue orders to: (a) Implement programs, controls, standards, and priorities for the production, allocation, and consumption of energy; (b) suspend and

modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and (c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with those of the federal government and of other states and localities.

(7) The governor shall make a reasonable, good faith effort to provide the committee with notice when the governor is considering declaring a condition of energy supply alert or energy emergency. The governor shall immediately transmit the declaration of a condition of energy supply alert or energy emergency and the findings upon which the declaration is based and any orders issued under the powers granted in this chapter to the committee. The governor shall provide the committee with at least fourteen days' notice when requesting an extension of a condition of energy supply alert or energy emergency, unless such notice is waived by the committee.

(8) Nothing in this chapter shall be construed to mean that any program, control, standard, priority or other policy created under the authority of the emergency powers authorized by this chapter shall have any continuing legal effect after the cessation of the condition of energy supply alert or energy emergency.

(9) If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, including, but not limited to, chapter 34.05 RCW, this chapter shall govern and control, and such other law or rule (~~or regulation promulgated~~) issued thereunder shall be deemed superseded for the purposes of this chapter.

(10) Because of the emergency nature of this chapter, all actions authorized or required hereunder, or taken pursuant to any order issued by the governor, shall be exempted from any and all requirements and provisions of the state environmental policy act of 1971, chapter 43.21C RCW, including, but not limited to, the requirement for environmental impact statements.

(11) Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor."

On page 1, line 2 of the title, after "supply;" strike the remainder of the title and insert "and amending RCW 44.39.070 and 43.21G.040."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2441 and advanced the bill as amended by the Senate to final passage.

Representative Morris spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2441 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2441, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2498, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.367 and 2001 c 326 s 1 are each amended to read as follows:

(1) In addition to the major industrial development allowed under RCW 36.70A.365, a county ~~((required or choosing to plan))~~ planning under RCW 36.70A.040 that meets the criteria in subsection (9) or (10) of this section may establish, in consultation with cities consistent with provisions of RCW 36.70A.210, a process for designating a bank of no more than two master planned locations for major industrial activity outside urban growth areas.

(2) A master planned location for major industrial developments outside an urban growth area may be included in the urban industrial land bank for the county if criteria including, but not limited to, the following are met:

- (a) New infrastructure is provided for and/or applicable impact fees are paid;
- (b) Transit-oriented site planning and traffic demand management programs are implemented;
- (c) Buffers are provided between the major industrial development and adjacent nonurban areas;
- (d) Environmental protection including air and water quality has been addressed and provided for;
- (e) Development regulations are established to ensure that urban growth will not occur in adjacent nonurban areas;
- (f) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands;
- (g) The plan for the major industrial development is consistent with the county's development regulations established for protection of critical areas; ~~((and))~~
- (h) An inventory of developable land has been conducted as provided in RCW 36.70A.365;
- (i) An interlocal agreement related to infrastructure cost sharing and revenue sharing between the county and interested cities are established;
- (j) Provisions are established for determining the availability of alternate sites within urban growth areas and the long-term annexation feasibility of land sites outside of urban growth areas; and
- (k) Development regulations require the industrial land bank site to be used primarily for locating industrial and manufacturing businesses and specify that the gross floor area of all commercial and service buildings or facilities locating within the industrial land bank shall not exceed ten percent of the total gross floor area of buildings or facilities in the industrial land bank. The commercial and service businesses operated within the ten percent gross floor area limit shall be necessary to the primary industrial or manufacturing businesses within the industrial land bank. The intent of this provision for commercial or service use is to meet the needs of employees, clients, customers, vendors, and others having business at the industrial site and as an adjunct to the industry to attract and retain a quality work force and to further other public objectives, such as trip reduction. Such uses would not be promoted to attract additional clientele from the surrounding area. The commercial and service businesses should be established concurrently with or subsequent to the industrial or manufacturing businesses.

(3) In selecting master planned locations for inclusion in the urban industrial land bank, priority shall be given to locations that are adjacent to, or in close proximity to, an urban growth area.

(4) Final approval of inclusion of a master planned location in the urban industrial land bank shall be considered an adopted amendment to the comprehensive plan adopted pursuant to RCW 36.70A.070, except that RCW 36.70A.130(2) does not apply so that inclusion or exclusion of master planned locations may be considered at any time.

(5) Once a master planned location has been included in the urban industrial land bank, manufacturing and industrial businesses that qualify as major industrial development under RCW 36.70A.365 may be located there.

(6) Nothing in this section may be construed to alter the requirements for a county to comply with chapter 43.21C RCW.

(7)(a) The authority of a county meeting the criteria of subsection (9) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank shall terminate on December 31, ~~((1999))~~ 2007. However, any location included in the urban industrial land bank on or before December 31, ~~((1999))~~ 2007, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met. A county that has established or proposes to establish an industrial land bank pursuant to this section shall review the need for an industrial land bank within the county, including a review of the availability of land for industrial and manufacturing uses within the urban growth area, during the review and evaluation of comprehensive plans and development regulations required by RCW 36.70A.130.

(b) The authority of a county meeting the criteria of subsection (10) of this section to engage in the process of including or excluding master planned locations from the urban industrial land bank terminates on December 31, 2002. However, any location included in the urban industrial land bank on December 31, 2002, shall be available for major industrial development as long as the criteria of subsection (2) of this section are met.

(8) For the purposes of this section, "major industrial development" means a master planned location suitable for manufacturing or industrial businesses that: (a) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or (b) is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent; or (c) requires a location with characteristics such as proximity to transportation facilities or related industries such that there is no suitable location in an urban growth area. The major industrial development may not be for the purpose of retail commercial development or multitenant office parks.

(9) This section and the termination date specified in subsection (7)(a) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than two hundred fifty thousand and is part of a metropolitan area that includes a city in another state with a population greater than two hundred fifty thousand;

(b) Has a population greater than one hundred forty thousand and is adjacent to another country; ~~(($\text{\textcircled{F}}$))~~

(c) Has a population greater than forty thousand but less than seventy-five thousand and has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(i) Is bordered by the Pacific Ocean; ~~(($\text{\textcircled{F}}$))~~

(ii) Is located in the Interstate 5 or Interstate 90 corridor; or

(iii) Is bordered by Hood Canal;

(d) Is east of the Cascade divide; and

(i) Borders another state to the south; or

(ii) Is located wholly south of Interstate 90 and borders the Columbia river to the east; or

(e) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent, and is bordered by the Pacific Ocean and by Hood Canal.

(10) This section and the termination date specified in subsection (7)(b) of this section apply to a county that at the time the process is established under subsection (1) of this section:

(a) Has a population greater than forty thousand but fewer than eighty thousand;

(b) Has an average level of unemployment for the preceding three years that exceeds the average state unemployment for those years by twenty percent; and

(c) Is located in the Interstate 5 or Interstate 90 corridor.

(11) Any location included in an industrial land bank pursuant to section 2, chapter 289, Laws of 1998, section 1, chapter 402, Laws of 1997, and section 2, chapter 167, Laws of 1996 shall remain available for major industrial development according to this section as long as the criteria of subsection (2) of this section continue to be satisfied."

On page 1, line 3 of the title, after "circumstances;" strike the remainder of the title and insert "and amending RCW 36.70A.367."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2498 and advanced the bill as amended by the Senate to final passage.

Representatives Fromhold and Mulliken spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2498 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Engrossed House Bill No. 2498, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2541, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.48.090 and 1987 c 462 s 7 are each amended to read as follows:

(1) Contracts for jail services may be made between a county and a city (~~located within the boundaries of a county~~), and among counties and cities. The contracts shall: Be in writing, give one governing unit the responsibility for the operation of the jails, specify the responsibilities of each governing unit involved, and include the applicable charges for custody of the prisoners as well as the basis for adjustments in the charges. The contracts may be terminated only by ninety days written notice to the governing units involved and to the office. The notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

(2) The contract authorized in subsection (1) of this section shall be for a minimum term of ten years when state funds are provided to construct or remodel a jail in one governing unit that will be used to house prisoners of other governing units. The contract may not be terminated prior to the end of the term without the office's approval. If the contract is terminated, or upon the expiration and nonrenewal of the contract, the governing unit whose jail facility was built or remodeled to hold the prisoners of other governing units shall pay to the state treasurer the amount set by the corrections standards board or office when it authorized disbursement of state funds for the remodeling or construction under RCW 70.48.120. This amount shall be deposited in the local jail improvement and construction account and shall fairly represent the construction costs incurred in order to house prisoners from other governing units. The office may pay the funds to the governing units which had previously contracted for jail services under rules which the office may adopt. The acceptance of state funds for constructing or remodeling consolidated jail facilities constitutes agreement to the proportionate amounts set by the office. Notice of the proportionate amounts shall be given to all governing units involved.

(3) A city or county primarily responsible for the operation of a jail or jails may create a department of corrections to be in charge of such jail and of all persons confined therein by law, subject to the authority of the governing unit. If such department is created, it shall have charge of

jails and persons confined therein. If no such department of corrections is created, the chief law enforcement officer of the city or county primarily responsible for the operation of said jail shall have charge of the jail and of all persons confined therein.

Sec. 2. RCW 70.48.220 and 1979 ex.s. c 232 s 19 are each amended to read as follows:

A person (~~(convicted of)~~) confined for an offense punishable by imprisonment in a city or county jail may be confined in the jail of any city or county contracting with the prosecuting city or county for jail services.

A jurisdiction that confines persons prior to conviction in a jail in another county is responsible for providing private telephone, video-conferencing, or in-person contact between the defendant and his or her public defense counsel."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 70.48.090 and 70.48.220."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2541 and advanced the bill as amended by the Senate to final passage.

Representatives Hurst and Morell spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2541 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2541, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2557, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.61.010 and 1994 c 81 s 60 are each amended to read as follows:

~~((Cities of five thousand or more population and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create))~~ A metropolitan park district may be created for the management, control, improvement, maintenance, and acquisition of parks, parkways, (~~and~~) boulevards, and recreational facilities. A metropolitan park district may

include territory located in portions or all of one or more cities or counties, or one or more cities and counties, when created or enlarged as provided in this chapter.

Sec. 2. RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to read as follows:

(1) When proposed by citizen petition or by local government resolution as provided in this section, a ballot proposition authorizing the creation of a metropolitan park district shall be submitted by resolution to the voters of the area proposed to be included in the district at any general election, or at any special election which may be called for that purpose, (, or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may, or on petition of fifteen percent of the qualified electors of the city based upon the registration for the last preceding general city election, shall by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city)).

(2) The ballot proposition shall be submitted if the governing body of each city in which all or a portion of the proposed district is located, and the legislative authority of each county in which all or a portion of the proposed district is located within the unincorporated portion of the county, each adopts a resolution submitting the proposition to create a metropolitan park district.

(3) As an alternative to the method provided under subsection (2) of this section, the ballot proposition shall be submitted if a petition proposing creation of a metropolitan park district is submitted to the county auditor of each county in which all or a portion of the proposed district is located that is signed by at least fifteen percent of the registered voters residing in the area to be included within the proposed district. Where the petition is for creation of a district in more than one county, the petition shall be filed with the county auditor of the county having the greater area of the proposed district, and a copy filed with each other county auditor of the other counties covering the proposed district.

Territory by virtue of its annexation to any city ((having heretofore created)) whose territory lies entirely within a park district shall be deemed to be within the limits of the metropolitan park district. ((The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.)) Such an extension of a park district's boundaries shall not be subject to review by a boundary review board independent of the board's review of the city annexation of territory.

Sec. 3. RCW 35.61.030 and 1985 c 469 s 32 are each amended to read as follows:

((In submitting the question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for two consecutive weeks in the official newspaper of the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place.))

(1) Except as provided in subsection (2) of this section for review by a boundary review board, the ballot proposition authorizing creation of a metropolitan park district that is submitted to voters for their approval or rejection shall appear on the ballot of the next general election or at the next special election date specified under RCW 29.13.020 occurring sixty or more days after the last resolution proposing the creation of the park district is adopted or the date the county auditor certifies that the petition proposing the creation of the park district contains sufficient valid signatures. Where the petition or copy thereof is filed with two or more county auditors in the case of a proposed district in two or more counties, the county auditors shall confer and issue a joint certification upon finding that the required number of signatures on the petition has been obtained.

(2) Where the proposed district is located wholly or in part in a county in which a boundary review board has been created, notice of the proposal to create a metropolitan park district shall be filed with the boundary review board as provided under RCW 36.93.090 and the special election at which a ballot proposition authorizing creation of the park district shall be held on the special election date specified under RCW 29.13.020 that is sixty or more days after the date the boundary review board is deemed to have approved the proposal, approves the proposal, or modifies and approves the proposal. The creation of a metropolitan park district is not subject to review by a boundary review board if the proposed district only includes one or more cities and in such cases the special election at which a ballot proposition authorizing creation of the park district shall be held as if a boundary review board does not exist in the county or counties.

(3) The petition proposing the creation of a metropolitan park district, or the resolution submitting the question to the voters, shall choose and describe the composition of the initial board of commissioners of the district that is proposed under RCW 35.61.050 and shall choose a name for the district. The proposition (~~which~~) shall (~~be expressed in~~) include the following terms:

- "For the formation of a metropolitan park district to be governed by [insert board composition described in ballot proposition]."
- "Against the formation of a metropolitan park district."

Sec. 4. RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to read as follows:

If (~~at an election~~) a majority of the voters voting (~~thereon~~) on the ballot proposition authorizing the creation of the metropolitan park district vote in favor of the formation of a metropolitan park district, the metropolitan park district shall (~~then~~) be (~~and become~~) created as a municipal corporation effective immediately upon certification of the election results and its name shall be (~~"Metropolitan Park District of (inserting the name of the city)."~~) that designated in the ballot proposition.

Sec. 5. RCW 35.61.050 and 1994 c 223 s 23 are each amended to read as follows:

(1) The resolution or petition submitting the ballot proposition shall designate the composition of the board of metropolitan park commissioners from among the alternatives provided under subsections (2) through (4) of this section. The ballot proposition shall clearly describe the designated composition of the board.

(2) The commissioners of the district may be selected by election, in which case at the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected. The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (~~(1))~~ (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (~~(2))~~ (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (~~(3))~~ (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office. All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled as provided in chapter 42.12 RCW.

(3) In a district wholly located within a city or within the unincorporated area of a county, the governing body of such city or legislative authority of such county may be designated to serve in an ex officio capacity as the board of metropolitan park commissioners, provided that when creation of the district is proposed by citizen petition, the city or county approves by resolution such designation.

(4) Where the proposed district is located within more than one city, more than one county, or any combination of cities and counties, each city governing body and county legislative authority may be designated to collectively serve ex officio as the board of metropolitan park commissioners through selection of one or more members from each to serve as the board, provided that when creation of the district is proposed by citizen petition, each city governing body and county legislative authority approve by resolution such designation. Within six months of the date of certification of election results approving creation of the district, the size and membership of the board shall be determined

through interlocal agreement of each city and county. The interlocal agreement shall specify the method for filling vacancies on the board.

(5) Metropolitan park districts created by a vote of the people prior to the effective date of this act may not change the composition and method of selection of their governing authority without approval of the voters. Should such a change be desired, the board of park commissioners shall submit a ballot proposition to the voters of the metropolitan park district.

Sec. 6. RCW 35.61.150 and 1998 c 121 s 1 are each amended to read as follows:

Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to seventy dollars for each day or portion of a day devoted to the business of the district. However, the compensation for each commissioner must not exceed six thousand seven hundred twenty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

Sec. 7. RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

~~((e) Fifth))~~ (f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.150, and 84.52.010."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2557 and advanced the bill as amended by the Senate to final passage.

Representatives Lovick and Sump spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2557 and the bill passed the House by the following vote: Yeas - 84, Nays - 10, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Ballasiotes, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 84.

Voting nay: Representatives Anderson, Ballard, Barlean, Chandler, Crouse, Esser, Holmquist, Lisk, Mulliken, and Pflug - 10.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2557, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speakers:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.100 and 1999 c 274 s 14 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020 for a course offered by a school district, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must meet the standards established by the office of the state superintendent of public instruction. The course offered by a driver training school must meet the standards established by the department of licensing with the advice of the driver instructors' advisory committee, pursuant to RCW 46.82.300. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A ~~((commercial driving enterprise))~~ driver training school licensed under chapter 46.82 RCW that is annually approved by the ((office of the superintendent of public instruction)) department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

Sec. 2. RCW 46.20.055 and 1999 c 274 s 13 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a five-dollar fee, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or
(b) Is at least fifteen years of age and:
(i) Has submitted a proper application; and
(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driving training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or
(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and
(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.
(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

Sec. 3. RCW 46.20.070 and 1999 c 6 s 13 are each amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;
(b) The applicant has passed the driving examination required by RCW 46.20.120;
(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;
(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and
(e) The applicant has paid a fee of three dollars.

The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:
(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and
(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.

(3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a three-dollar fee.

(b) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

(4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

- (a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or
- (b) The director is satisfied that the permittee has violated the permit's restrictions.

NEW SECTION. **Sec. 4.** A new section is added to chapter 46.82 RCW to read as follows:

(1) Persons instructing students under eighteen years of age are required to have a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation. The background check shall also include a fingerprint check using a fingerprint card.

(2) The cost of the background check shall be paid by the instructor.

(3) The department may waive the background check for any applicant who has had a background check within two years before applying to become an instructor.

Sec. 5. RCW 46.82.300 and 1984 c 287 s 93 are each amended to read as follows:

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; ~~((and))~~

(d) Review and update instructor certification standards to be consistent with RCW 46.82.330 and take into consideration those standards required to be met by traffic safety education teachers under RCW 28A.220.020(3); and

(e) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

Sec. 6. RCW 46.20.075 and 2000 c 115 s 2 are each amended to read as follows:

(1) An intermediate license authorizes the holder to drive a motor vehicle under the conditions specified in this section. An applicant for an intermediate license must be at least sixteen years of age and:

(a) Have possessed a valid instruction permit for a period of not less than six months;

(b) Have passed a driver licensing examination administered by the department;

(c) Have passed a course of driver's education in accordance with the standards established in RCW 46.20.100;

(d) Present certification by his or her parent, guardian, or employer to the department stating (i) that the applicant has had at least fifty hours of driving experience, ten of which were at night, during which the driver was supervised by a person at least twenty-one years of age who has had a valid driver's license for at least three years, and (ii) that the applicant has not been issued a notice of

traffic infraction or cited for a traffic violation that is pending at the time of the application for the intermediate license;

(e) Not have been convicted of or found to have committed a traffic violation within the last six months before the application for the intermediate license; and

(f) Not have been adjudicated for an offense involving the use of alcohol or drugs during the period the applicant held an instruction permit.

(2) The department may waive the six-month waiting period for issuance of an intermediate license if an applicant provides a signed and notarized statement from a parent or guardian and from a licensed physician, as defined in RCW 70.96A.020, that the waiver is required for family medical purposes.

(3) For the first six months after the issuance of an intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family as defined in RCW 42.17.020. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

~~((3))~~ (4) The holder of an intermediate license may not operate a motor vehicle between the hours of 1 a.m. and 5 a.m. except when the holder is accompanied by a parent, guardian, or a licensed driver who is at least twenty-five years of age.

~~((4))~~ (5) It is a traffic infraction for the holder of an intermediate license to operate a motor vehicle in violation of the restrictions imposed under this section.

~~((5))~~ (6) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title or an equivalent local ordinance or some other offense.

~~((6))~~ (7) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if necessary for agricultural purposes.

~~((7))~~ (8) An intermediate licensee may drive at any hour without restrictions on the number of passengers in the vehicle if, for the twelve-month period following the issuance of the intermediate license, he or she:

(a) Has not been involved in an automobile accident; and

(b) Has not been convicted or found to have committed a traffic offense described in chapter 46.61 RCW or violated restrictions placed on an intermediate licensee under this section."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 46.20.100, 46.20.055, 46.20.070, 46.82.300, and 46.20.075; and adding a new section to chapter 46.82 RCW."

There being no objection, the House refused to concur in the Senate Amendment(s) to Engrossed Substitute House Bill No. 2560 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2570, with the following amendment(s):

On page 3, after line 31, insert the following:

"(4)(a) It is expressly understood that the state will pursue a rule delineating federal assurances under 16 U.S.C. Sec. 1533(d) and may concurrently develop a Sec. 10(a) habitat conservation plan by June 2005. The department of natural resources must report regularly to the house of representatives and senate natural resources committees on the progress of the program, and on any technical or legal issues that may arise.

(b) The forest and fish agreement as embodied in chapter 4, Laws of 1999 sp. sess. and this chapter, the rules adopted by the forest practices board to implement this chapter, and all protections

for small forest landowners, are reaffirmed as part of the extension of time granted in this act and will be collectively included in the federal assurances sought by the state of Washington."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2570 and advanced the bill as amended by the Senate to final passage.

Representatives Doumit and Sump spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2570 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 2570, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2574, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The secretary shall establish demonstration sites for statewide implementation of a children's system of care. The demonstration sites shall be selected using the following criteria:

(a) The system administrator must be the recipient of funding by the federal center for mental health services for the purpose of developing a system of care for children with emotional and behavioral disorders;

(b) The system administrator must have established a process for ongoing input and coordination from the public health and safety network or networks established in the catchment area of the project; and

(c) The system administrator may be a project site under a Title IV-E waiver.

(2) For the purposes of this section, "children's system of care" means a centralized community care coordination system representing a philosophy about the way services should be delivered to children and their families, using existing resources of various child-serving agencies addressing the problems of children with emotional and behavioral disorders. The agencies represented may include

providers of mental health services, drug and alcohol services, services for the developmentally disabled, county juvenile justice and state juvenile rehabilitation, child welfare, and special education.

NEW SECTION. Sec. 2. The goals of the children's system of care are to:

(1) Maintain a multiagency collaborative planning and system management mechanism at the state and local levels through the establishment of an oversight committee at the local level in accordance with the principles and program requirements associated with the federal center for children's mental health services;

(2) Recommend and make necessary financing changes to support individualized and flexible home and community-based services and supports that are child centered, family driven, strength based, and culturally competent;

(3) Support a common screening tool and integrated care coordination system;

(4) Recommend and make necessary changes in contracting to support integrated service delivery;

(5) Promote and increase the expansion of system capacity for children and their families in each demonstration site community;

(6) Develop the capacity of family members to provide support for one another and to strengthen the family voice in system implementation through the utilization of a citizens' advisory board as described in section 4 of this act and through other outreach activities;

(7) Conduct research and draw on outside consultation to identify best practices to inform system development and refinement; and

(8) Demonstrate cost-effectiveness by creating system efficiencies that generate savings from the current level of expenditures for children being served by the participating agencies. These savings must be used to provide more services to the children involved in the project, or to serve more children.

NEW SECTION. Sec. 3. The secretary shall assure collaboration with each demonstration site by child-serving entities operated directly by the department or by departmental contractors. A collaboration contract or memorandum of understanding shall be developed by the demonstration site and the secretary for that purpose.

NEW SECTION. Sec. 4. (1) A citizens' advisory board and the agencies participating in each demonstration site for a children's system of care established under section 1 of this act shall establish evaluation criteria consistent with the goals set forth in section 2 of this act. The evaluation criteria shall be developed no later than sixty days after the effective date of this act.

(2) The evaluation shall be conducted by an entity with experience in evaluating organizations that are:

(a) Recipients of funding by the federal center for mental health services for the purpose of developing a system of care for children with emotional and behavioral disorders; and

(b) A project site under a Title IV-E waiver.

Each demonstration site in existence as of July 1, 2002, shall submit a report to the children and family services committee of the house of representatives and to the human services and corrections committee of the senate, or their successors. An interim report shall be submitted to the committees by December 1, 2002. A final report shall be submitted to the committees by December 1, 2003.

(3) This section expires January 1, 2004.

NEW SECTION. Sec. 5. Funding for children's system of care projects following the expiration of the federal grant shall be determined using the process established in RCW 74.14A.060 and funded children's system of care projects shall be included in the annual report required by that section.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.300 RCW to read as follows:

It is the expectation of the legislature that local school districts shall collaborate with each children's system of care demonstration site established under section 1 of this act.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute a new chapter in Title 74 RCW."

On page 1, line 1 of the title, after "care;" strike the remainder of the title and insert "adding a new section to chapter 28A.300 RCW; adding a new chapter to Title 74 RCW; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2574 and advanced the bill as amended by the Senate to final passage.

Representative Ogden spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2574 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Engrossed Substitute House Bill No. 2574, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2589, with the following amendment(s):

On page 8, line 16, strike ", or who is not certified as of April 1, 2002, but eligible for certification and applies for a license before January 1, 2003".

On page 8, line 22, strike ", or who is not certified as of April 1, 2002, but eligible for certification and applies for a license before January 1, 2003".

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2589 and advanced the bill as amended by the Senate to final passage.

Representatives Linville and Campbell spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2589 and the bill passed the House by the following vote: Yeas - 93, Nays - 1, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representative Nixon - 1.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2589, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 15.65.020 and 1993 c 80 s 2 are each amended to read as follows:

The following terms are hereby defined:

(1) "Director" means the director of agriculture of the state of Washington or his or her duly appointed representative. The phrase "director or his or her designee" means the director unless, in the provisions of any marketing agreement or order, he or she has designated an administrator, board, or other designee to act (~~(for him)~~) in the matter designated, in which case "director or his or her designee" means for such order or agreement the administrator, board, or other person(s) so designated and not the director.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order (~~(issued)~~) adopted by the director (~~(pursuant to)~~) under this chapter that establishes a commodity board for an agricultural commodity or agricultural commodities with like or common qualities or producers.

(4) "Marketing agreement" means an agreement entered into and issued by the director pursuant to this chapter.

(5) "Agricultural commodity" means any of the following commodities or products: Llamas, alpacas, or any other animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, either in its natural or processed state, including beehives containing bees and honey and Christmas trees but not including timber or timber products.

The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) "Production area" and "marketing area" means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. "Affected area" means the marketing or production area so defined in such order, agreement or proposal.

(7) "Unit" of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) "Affected unit" means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and "affected unit" means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is stored in frozen condition or sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements "affected unit" shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) "Affected commodity" means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) "Producer" means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. "Affected producer" means any producer (~~of an affected commodity~~) who is subject to a marketing order or agreement. "To produce" means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) "Handler" means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity or storage of a frozen agricultural commodity which was not produced by him or her. "Handler" does not mean a common carrier used to transport an agricultural commodity. "Affected handler" means any handler of an affected commodity. "To handle" means to act as a handler.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he or she produces, and a handler with respect to the agricultural commodities which he or she handles, including those produced by himself or herself.

(13) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(14) "Member of a cooperative association" means any producer who markets his or her product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) "Producer marketing" or "marketed by producers" means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) "Commercial quantities" as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the

farm on which such commodity is produced. "Commercial quantities" as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his or her discretion: (a) Determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he or she finds to be similarly situated.

(17) "Commodity board" means any board established pursuant to RCW 15.65.220. "Board" means any such commodity board unless a different board is expressly specified.

(18) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) "Section" means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) "Represented in a referendum" means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter. "Referendum" means a vote by the affected parties or affected producers which is conducted by secret ballot.

(21) "Person" (~~as used in this chapter shall mean any person, firm, association or corporation~~) means any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals, or any unit or agency of local, state, or federal government.

(22) "Affected parties" means any producer, affected producer, handler, or commodity board member.

(23) "Assessment" means the monetary amount established in a marketing order or agreement that is to be paid by each affected producer to a commodity board in accordance with the schedule established in the marketing order or agreement.

(24) "List of affected parties" means a list containing the names and mailing addresses of affected parties. This list shall contain the names and addresses of all affected parties and, if requested by the director, the amount, by unit, of the affected commodity produced during a designated period under this chapter.

(25) "List of affected producers" means a list containing the names and mailing addresses of affected producers. This list shall contain the names and addresses of all affected producers and, if requested by the director, the amount, by unit, of the affected commodity produced during a designated period under this chapter.

(26) "List of affected handlers" means a list containing the names and addresses of affected handlers. This list shall contain the names and addresses of all affected handlers and, if requested by the director, the amount, by unit, of the affected commodity handled during a designated period under this chapter.

(27) "Mail" or "send" for purposes of any notice relating to rule making, referenda, or elections means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(28) "Percent by numbers" means the percent of those persons on the list of affected parties or affected producers.

(29) "Rule-making proceedings" means the rule-making provisions as outlined in chapter 34.05 RCW.

(30) "Vacancy" means that a board member leaves or is removed from a board position prior to the end of a term, or a nomination process for the beginning of a term concludes with no candidates for a position.

(31) "Volume of production" means the percent of the average volume of production of the affected commodity of those on the list of affected parties or affected producers for a production period. For the purposes of this chapter, a production period is a minimum three-year period or as specified in the marketing order or agreement.

NEW SECTION. Sec. 2. A new section is added to chapter 15.65 RCW to read as follows:

The history, economy, culture, and the future of Washington state to a large degree all involve agriculture. In order to develop and promote Washington's agricultural products as part of the existing comprehensive scheme to regulate agricultural commodities, the legislature declares:

(1) That the marketing of agricultural products within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its agricultural commodities be properly promoted by (a) enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the commodities they produce and (b) working towards stabilizing the agricultural industry by increasing consumption of agricultural commodities within the state, the nation, and internationally;

(2) That farmers and ranchers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the agricultural producer's ability to compete in local, domestic, and foreign markets;

(3) That it is now in the overriding public interest that support for the agricultural industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that each agricultural commodity be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agricultural commodities;

(b) Increase the sale and use of Washington state's agricultural commodities in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's agricultural commodities;

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's agricultural commodities and products; and

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of agricultural commodities produced in Washington state;

(4) That the director seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber, and seek to maintain the economic well-being of the agricultural industry in Washington state consistent with its regulatory activities and responsibilities;

(5) That the director is hereby authorized to implement, administer, and enforce this chapter through the adoption of marketing orders that establish commodity boards; and

(6) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

NEW SECTION. Sec. 3. A new section is added to chapter 15.65 RCW to read as follows:

This chapter and the rules adopted under it are only one aspect of the comprehensively regulated agricultural industry.

(1) Other laws applicable to agricultural commodities include the following chapters and the rules adopted thereunder:

Chapter 15.08 RCW Horticultural pests and diseases;

Chapter 15.13 RCW Horticultural plants and facilities--Inspection and licensing;

Chapter 15.14 RCW Planting stock;

Chapter 15.15 RCW Certified seed potatoes;

Chapter 15.17 RCW Standards of grades and packs;

Chapter 15.19 RCW Certification and inspection of ginseng;

Chapter 15.30 RCW Controlled atmosphere storage of fruits and vegetables;

Chapter 15.49 RCW Seeds;
Chapter 15.53 RCW Commercial feed;
Chapter 15.54 RCW Fertilizers, minerals, and limes;
Chapter 15.58 RCW Washington pesticide control act;
Chapter 15.60 RCW Apiaries;
Chapter 15.64 RCW Farm marketing;
Chapter 15.83 RCW Agricultural marketing and fair practices;
Chapter 15.85 RCW Aquaculture marketing;
Chapter 15.86 RCW Organic food products;
Chapter 15.92 RCW Center for sustaining agriculture and natural resources;
Chapter 17.24 RCW Insect pests and plant diseases;
Chapter 19.94 RCW Weights and measures;
Chapter 20.01 RCW Agricultural products--Commission merchants, dealers, brokers, buyers, agents;

Chapter 22.09 RCW Agricultural commodities;
Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

Chapter 69.07 RCW Washington food processing act;
Chapter 69.25 RCW Washington wholesome eggs and egg products act;
Chapter 69.28 RCW Honey;

7 U.S.C., section 136, Federal Insecticide, Fungicide, and Rodenticide Act.

(2) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the dry pea and lentil industry is regulated by or must comply with the additional laws and rules adopted under 7 U.S.C., chapter 38, Agricultural Marketing Act.

Sec. 4. RCW 15.65.040 and 2001 c 315 s 4 are each amended to read as follows:

~~((It is hereby declared to be the policy of this chapter))~~ The director may adopt a marketing order that establishes a commodity board under this chapter for any of the following purposes:

(1) To aid agricultural producers in preventing economic waste in the marketing of their agricultural commodities and in developing more efficient methods of marketing agricultural products.

(2) To enable agricultural producers of this state, with the aid of the state:

(a) To develop, and engage in research for developing, better and more efficient production, irrigation, processing, transportation, handling, marketing, and utilization of agricultural products;

(b) To establish orderly marketing of agricultural commodities;

(c) To provide for uniform grading and proper preparation of agricultural commodities for market;

(d) To provide methods and means (including, but not limited to, public relations and promotion) for the maintenance of present markets and for the development of new or larger markets, both domestic and foreign, for agricultural commodities produced within this state and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(e) To eliminate or reduce economic waste in the marketing and/or use of agricultural commodities;

(f) To restore and maintain adequate purchasing power for the agricultural producers of this state;

(g) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(h) To provide marketing information and services for producers of an agricultural commodity;

(i) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(j) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity;

- (k) To provide for commodity-related education and training; and
- (l) To accomplish all the declared policies of this chapter.
- (3) To protect the interest of consumers by assuring a sufficient pure and wholesome supply of agricultural commodities of good quality at all seasons and times.

Sec. 5. RCW 15.65.050 and 1961 c 256 s 5 are each amended to read as follows:

The director shall administer and enforce this chapter and it shall be his or her duty to carry out its provisions and put them into force in accordance with its terms, but issuance, amendment, modification, and/or suspension ~~((and/or termination))~~ of marketing agreements and orders and of any terms or provisions thereof shall be accomplished according to the procedures set forth in this chapter and not otherwise. Whenever he or she has reason to believe that the issuance~~((r))~~ or amendment ~~((or termination))~~ of a marketing agreement or order will tend to effectuate any declared policy or purpose of this chapter with respect to any agricultural commodity, and in the case of application for issuance or amendment ten or more producers of such commodity apply or ~~((in the case of application for termination ten percent of the affected producers so apply))~~ when a petition for amendment is submitted by majority vote of a commodity board, then the director shall give due notice of, and an opportunity for, a public hearing upon such issuance~~((r))~~ or amendment ~~((or termination))~~, and ~~((he))~~ the director shall issue marketing agreements and orders containing the provisions specified in this chapter and from time to time amend ~~((or terminate))~~ the same whenever upon compliance with and on the basis of facts adduced in accordance with the procedural requirements of this chapter he or she shall find that such agreement, order, or amendment:

- (1) Will tend to effectuate one or more of the declared policies of this chapter and is needed in order to effectuate the same.
- (2) Is reasonably adapted to accomplish the purposes and objects for which it is issued and complies with the applicable provisions of this chapter.
- (3) Has been approved or favored by the percentages of producers and/or handlers specified in and ascertained in accordance with this chapter.

Sec. 6. RCW 15.65.060 and 1961 c 256 s 6 are each amended to read as follows:

The director shall cause any ~~((proposed))~~ marketing agreement, order proposed for issuance, or amendment ~~((or termination))~~ to be set out in detailed form and reduced to writing, which writing is herein designated "proposal." The director shall make and maintain on file in the office of the department a copy of each proposal and a full and complete record of all notices, hearings, findings, decisions, assents, and all other proceedings relating to each proposal and to each marketing agreement and order.

NEW SECTION. **Sec. 7.** A new section is added to chapter 15.65 RCW to read as follows:

- (1) The director may adopt rules necessary to carry out the director's duties and responsibilities under this chapter including:
 - (a) The issuance, amendment, or termination of marketing orders or agreements;
 - (b) Procedural, technical, or administrative rules which may address and include, but are not limited to:
 - (i) The submission of a petition to issue, amend, or terminate a marketing order or agreement under this chapter;
 - (ii) Nominations conducted under this chapter;
 - (iii) Elections of board members or referenda conducted under this chapter;
 - (iv) Actions of the director upon a petition to issue, amend, or terminate a marketing order or agreement;
 - (c) Rules that provide for a method to fund:
 - (i) The costs of staff support for all commodity boards and commissions in accordance with section 78 of this act if the position is not directly funded by the legislature; and
 - (ii) The actual costs related to the specific activity undertaken on behalf of an individual commodity board or commission.

(2) The director may adopt amendments to marketing agreements or orders without conducting a referendum if the amendments are adopted under the following criteria:

(a) The proposed amendments relate only to internal administration of a marketing order or agreement and are not subject to violation by a person;

(b) The proposed amendments adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies, if the material adopted or incorporated regulates the same activities as are authorized under the marketing order or agreement;

(c) The proposed amendments only correct typographical errors, make address or name changes, or clarify language of a rule without changing the marketing order or agreement; and

(d) The content of the proposed amendments is explicitly and specifically dictated by statute.

A marketing order or agreement shall not be amended without a referendum to provide that a majority of the commodity board members be appointed by the director.

Sec. 8. RCW 15.65.070 and 1987 c 393 s 5 are each amended to read as follows:

The director shall publish notice of any hearing called for the purpose of considering and acting upon any proposal for a period of not less than two days in one or more newspapers of general circulation as the director may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice shall set forth the date, time and place of said hearing, the agricultural commodity and the area covered by such proposal; a concise statement of the proposal; a concise statement of each additional subject upon which the director will hear evidence and make a determination, and a statement that, and the address where, copies of the proposal may be obtained. The director shall also mail ~~((a copy of such))~~ notice to all producers and handlers within the affected area who may be directly affected by such proposal and whose names and addresses appear, on the day next preceding the day on which such notice is published, upon lists of such persons then on file in the department.

Sec. 9. RCW 15.65.090 and 1961 c 256 s 9 are each amended to read as follows:

~~((In any and every hearing conducted pursuant to any provision of this chapter))~~ The director ~~((and/or such examiner))~~ shall have the power to issue subpoenas for the production of any books, records, or documents of any kind and to subpoena witnesses to be produced or to appear (as the case may be) in the county wherein the principal party involved in such hearing resides. No person shall be excused from attending and testifying or from producing documentary evidence before the director in obedience to the subpoena of the director on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or her may tend to incriminate him or her or subject him or her to a penalty or forfeiture, but no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he or she may be so required to testify or produce evidence, documentary or otherwise, before the director in obedience to a subpoena issued by him or her: PROVIDED, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The superior court of the county in which any such hearing or proceeding may be had, may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. In case any witness refuses to attend or testify or produce any papers required by the subpoena, the director or his or her examiner shall so report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice was given of the time and place of attendance of ~~((said))~~ the witness or the production of ~~((said))~~ the papers and that the witness has been summoned in the manner prescribed in this chapter and that the fees and mileage of the witness have been paid or tendered to him or her in accordance with RCW 2.40.020 and that he or she has failed to attend or produce the papers required by the subpoena at the hearing, cause, or proceeding specified in the notice and subpoena, or has refused to answer questions propounded to him or her in the course of such hearing, cause or proceeding, and shall ask an order of the court to compel such witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there show cause why he or she has not responded to the subpoena. A certified copy of the show

cause order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued, the court shall enter a decree that ~~((said))~~ the witness appear at the time and place fixed in the decree and testify or produce the required papers, and on failing to obey said decree the witness shall be dealt with as for contempt of court.

Sec. 10. RCW 15.65.120 and 1985 c 261 s 3 are each amended to read as follows:

The recommended decision shall contain the text in full of any recommended agreement, order, or amendment ~~((or termination))~~, and may deny or approve the proposal in its entirety, or it may recommend a marketing agreement, order, or amendment ~~((or termination))~~ containing other or different terms or conditions from those contained in the proposal: PROVIDED, That the same shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The final decision shall set out in full the text of the agreement, order, or amendment ~~((or termination))~~ covered thereby, and the director shall issue and deliver or mail copies of ~~((said))~~ the final decision to all producers and handlers within the affected area who may be directly affected by such final decision and whose names and addresses appear, on the day next preceding the day on which such final decision is issued, upon the lists of such persons then on file in the department, and to all parties of record appearing at the hearing, or their attorneys of record. If the final decision denies the proposal in its entirety no further action shall be taken by the director.

Sec. 11. RCW 15.65.170 and 1987 c 393 s 6 are each amended to read as follows:

If the director determines that the requisite assent has been given ~~((he shall issue and put any order or amendment thereto into force, whereupon each and every provision thereof shall have the force of law. Issuance shall be accomplished by publication of a notice for one day in a newspaper of general circulation in the affected area. The notice shall state that the order has been issued and put into force and where copies of such order may be obtained))~~ to issue or amend a marketing order, the issuance or amendment shall be adopted by rule by the director within thirty days of the validation of the vote. If the director determines that the requisite assent has not been given no further action shall be taken by the director upon the proposal, and the order contained in the final decision shall be without force or effect.

NEW SECTION. **Sec. 12.** A new section is added to chapter 15.65 RCW to read as follows:

The director shall not be required to hold a public hearing or a referendum more than once in any twelve-month period on petitions to issue, amend, or terminate a commodity marketing order if any of the following circumstances are present:

- (1) The petition proposes to establish a marketing order or agreement for the same commodity;
- (2) The petition proposes the same or a similar amendment to a marketing order or agreement;

or

- (3) The petition proposes to terminate the same marketing order or agreement.

Sec. 13. RCW 15.65.180 and 1961 c 256 s 18 are each amended to read as follows:

The director may, upon the advice of the commodity board serving under any marketing agreement or order and without compliance with the provisions of RCW 15.65.050 through 15.65.170~~(=~~

~~(1) Amend any marketing agreement or order as to any minor matter or wording which does not substantially alter the provisions and intention of such agreement or order;~~

~~(2)),~~ suspend any such agreement or order or term or provision thereof for a period of not to exceed one year, if ~~((he))~~ the director finds that such suspension will tend to effectuate the declared policy of this chapter~~((= PROVIDED, That)).~~ Any ~~((such))~~ suspension of all or substantially all of ~~((such))~~ a marketing agreement or order by the director shall not become effective until the end of the then current marketing season.

NEW SECTION. **Sec. 14.** A new section is added to chapter 15.65 RCW to read as follows:

The director may terminate a marketing order or agreement in accordance with this chapter.

- (1) To terminate a marketing order or agreement:
 - (a) The director must receive a petition by affected producers under this chapter signed by at least ten percent of the affected producers; or
 - (b) A majority of a commodity board may file a petition with the director.
- (2) The petitioners must include in the petition at the time of filing:
 - (a) A statement of why the marketing order or agreement and the commodity board created under it no longer meets the purposes of this chapter;
 - (b) The name of a person designated to represent the petitioners; and
 - (c) The effective date of a marketing order or agreement termination, which may not be less than one year from the date the petition was filed with the director.
- (3) Within sixty days of receipt of a petition meeting the requirements of this section, the director shall commence rule-making proceedings to repeal the marketing order or agreement and, subsequently, a referendum on the issue.
- (4) The director shall include a copy of a petition to terminate a marketing order or agreement with the notice to affected producers when rule-making proceedings are commenced.
- (5) If the petitioners fail to meet the requirements of this chapter, the director shall deny the petition and a referendum vote will not be conducted. The person designated to represent the petitioners shall be notified if a petition is denied.

NEW SECTION. Sec. 15. A new section is added to chapter 15.65 RCW to read as follows:

Except as provided in RCW 15.65.190 or subsection (4) of this section, the director, prior to termination of the marketing order or agreement, shall conduct a referendum as provided in this chapter, the rules adopted by the director, and the applicable marketing order or agreement.

(1) If a referendum on the termination of a marketing order or agreement is assented to, the referendum proposal shall be adopted by the director within thirty days of the count of the ballots and shall go into effect under chapter 34.05 RCW. If those affected producers eligible to vote in the referendum do not assent, no further action shall be taken by the director on the proposal.

(2) The list of affected producers used for conducting a referendum on the termination of a marketing order or agreement shall be kept in the rule-making file by the director. The list shall be certified as a true representation of the referendum mailing list. Inadvertent failure to notify an affected producer does not invalidate a referendum.

(3) The list of affected producers that is certified as the true representation of the mailing list of a referendum shall be used to determine assent as provided for in RCW 15.65.190.

(4) If the director determines that one hundred percent of the affected producers have filed a written application with the director requesting that a marketing order or agreement be terminated, the director may terminate the marketing order or agreement without conducting a referendum. The termination of the marketing order or agreement shall go into effect under chapter 34.05 RCW, but no sooner than at the end of the marketing season then current.

NEW SECTION. Sec. 16. A new section is added to chapter 15.65 RCW to read as follows:

If after complying with the procedures outlined in this chapter and a referendum proposal to terminate a marketing order or agreement is assented to, the affected commodity board shall:

(1) Document the details of all measures undertaken to terminate the marketing order and identify and document all closing costs;

(2) Contact the office of the state auditor and arrange for a final audit of the commodity board. Payment for the audit shall be from commodity board funds and identified in the budget for closing costs;

(3) Provide for the reimbursement to affected producers of moneys collected by assessment. Reimbursement shall be made to those considered affected producers over the previous three-year time frame on a pro rata basis and at a percent commensurate with their volume of production over the previous three-year period unless a different time period is specified in the marketing order or agreement. If the commodity board finds that the amounts of moneys are so small as to make impractical the computation and remitting of the pro rata refund, the moneys shall be paid into the state treasury as unclaimed trust moneys; and

(4) Transfer all remaining files to the department for storage and archiving, as appropriate.

Sec. 17. RCW 15.65.200 and 1985 c 261 s 8 are each amended to read as follows:

~~(1) Whenever application is made for the issuance of a marketing agreement or order or the director otherwise determines to hold a hearing for the purpose of such issuance, the director or ((his)) a designee shall ((cause lists to be prepared from any information which he has at hand or which he may obtain from producers, associations of producers and handlers of the affected commodity. Such lists shall contain the names and addresses of persons who produce the affected commodity within the affected area, the amount of such commodity produced by each such person during the period which the director determines for the purposes of the agreement or order to be representative, and the name of any cooperative association authorized to market for him within the affected area the commodity specified in the marketing agreement or order. Such lists shall also contain the names and addresses of persons who handle the affected commodity within the affected area and the amount of such commodity handled by each person during the period which the director determines for the purposes of the agreement or order to be representative. Any qualified person may at any time have his name placed upon any list for which he qualifies by delivering or mailing his name, address and other information to the director and in such case the director shall verify such person's qualifications and if he qualifies, place his name upon such list. At every hearing upon the issuance, amendment or termination of such order or agreement the director or his designee shall take evidence for the purpose of making such lists complete and accurate and he may employ his powers of subpoena of witnesses and of books, records and documents for such purpose. After every such hearing the director shall compile, complete, correct and bring lists up to date in accordance with the evidence and information obtained at such hearing. For all purposes of giving notice, holding referenda and electing members of commodity boards, the lists on hand corrected up to the day next preceding the date for issuing notices or ballots as the case may be shall, for all purposes of this chapter, be deemed to be the list of all persons entitled to notice or to assent or dissent or to vote))~~ establish a list of affected parties along with volume of production data covering a minimum three-year period, or in such lesser time as the affected party has produced the commodity in question, from information provided by the petitioners, by obtaining information on affected parties from applicable producer, handler, or processor organizations or associations or other sources identified as maintaining the information.

(2) The director shall use the list of affected parties for the purpose of notice, referendum proceedings, and electing and selecting members of commodity boards in accordance with this chapter.

(3) An affected party may at any time file his or her name and mailing address with the director. A list of affected parties may be brought up-to-date by the director up to the day preceding a mailing of a notice or ballot under this chapter and that list is deemed the list of affected parties entitled to vote.

(4) The list of affected parties used for the issuance of a marketing order or agreement shall be kept in a file maintained by the director. The list shall be certified as a true representation of the mailing list. Inadvertent failure to notify an affected party does not invalidate a proceeding conducted under this chapter.

(5) The list of affected parties that is certified as the true representation of the mailing list of a referendum shall be used to determine assent as provided in this chapter.

(6) The director shall provide the commodity board the list of affected and interested parties once a marketing order or agreement is adopted and a commodity board is established as provided in this chapter.

NEW SECTION. Sec. 18. A new section is added to chapter 15.65 RCW to read as follows:

(1) Pursuant to RCW 42.17.31907, certain agricultural business records, commodity board records, and department of agriculture records relating to commodity boards and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or a commodity board for the purpose of administering this chapter or a marketing order or agreement may be shared between the department and the applicable commodity board. They may also be used, if

required, in any suit or administrative hearing involving this chapter or a marketing order or agreement.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of a number of persons subject to any marketing order or agreement as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or a commodity board of the name of any person violating any marketing order or agreement and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 19. A new section is added to chapter 15.65 RCW to read as follows:

(1) Upon completion of any vote, referendum, or nomination and elections, the department shall tally the results of the vote and provide the results to affected parties.

(2) If an affected party disputes the results of a vote, that affected party, within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and request a recount.

(3) Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

Sec. 20. RCW 15.65.220 and 1961 c 256 s 22 are each amended to read as follows:

(1) Every marketing agreement and order shall provide for the establishment of a commodity board of not less than five nor more than thirteen members and shall specify the exact number thereof and all details as to (a) qualification, (b) nomination, (c) election or appointment by the director, (d) term of office, and (e) powers, duties, and all other matters pertaining to such board.

(2) The members of the board shall be producers or handlers or both in such proportion as the director shall specify in the marketing agreement or order, but in any marketing order or agreement the number of handlers on the board shall not exceed the number of producers thereon. The marketing order or agreement may provide that a majority of the board be appointed by the director, but in any event, no less than one-third of the board members shall be elected by the affected producers.

(3) In the event that the marketing order or agreement provides that a majority of the commodity board be appointed by the director, the marketing order or agreement shall incorporate either the provisions of section 24 or 25 of this act for board member selection.

(4) The director shall appoint to every ((such)) board one ((person)) member who ((is neither a producer nor a handler to)) represents the ((department and the public generally)) director. The director shall be a voting member of each commodity board.

Sec. 21. RCW 15.65.230 and 2001 c 315 s 5 are each amended to read as follows:

A producer member of each commodity board must be a practical producer of the affected commodity and must be a citizen, resident of this state, and over the age of eighteen years. Each producer board member must be and have been actually engaged in producing such a commodity within the state of Washington for a period of five years and have, during that period, derived a substantial portion of his or her income therefrom and not be engaged in business, directly or indirectly, as a handler or other dealer. A handler member of each board must be a practical handler of the affected commodity and must be a citizen, resident of this state, and over the age of ~~((twenty-five))~~ eighteen years. Each handler board member must be and have been, either individually or as an officer or employee of a corporation, firm, partnership, association, or cooperative, actually engaged in handling such a commodity within the state of Washington for a period of five years and have, during that period, derived a substantial portion of his or her income therefrom. The qualification of a member of the board as set forth in this section must continue during the term of office.

Sec. 22. RCW 15.65.235 and 1971 c 25 s 1 are each amended to read as follows:

Whenever any commodity board is formed under the provisions of this chapter and it only affects producers and producer-handlers, then such producer-handlers shall be considered to be acting only as producers for purpose of ~~((election and))~~ membership on a commodity board: PROVIDED,

That this section shall not apply to a commodity board which only affects producers and producer-handlers of essential oils.

Sec. 23. RCW 15.65.240 and 1961 c 256 s 24 are each amended to read as follows:

The term of office of board members shall be three years, and one-third as nearly as may be shall be elected or appointed every year: PROVIDED, That at the inception of any agreement or order the entire board shall be elected or appointed one-third for a term of one year, one-third for a term of two years and one-third for a term of three years to the end that memberships on such board shall be on a rotating basis. In the event an order or agreement provides that both producers and handlers shall be members of such board the terms of each type of member shall be so arranged that one-third of the handler members as nearly as may be and one-third of the producer members as nearly as may be shall be elected or appointed each year.

Any marketing agreement or order may provide for election or appointment of board members by districts, in which case district lines and the number of board members to be elected or appointed from each district shall be specified in such agreement or order and upon such basis as the director finds to be fair and equitable and reasonably adapted to effectuate the declared policies of this chapter.

NEW SECTION. **Sec. 24.** A new section is added to chapter 15.65 RCW to read as follows:

(1) This section or section 25 of this act applies when the director appoints a majority of the board positions as set forth under RCW 15.65.220(3).

(2) Candidates for director-appointed board positions on a commodity board shall be nominated under RCW 15.65.250.

(3) The director shall cause an advisory vote to be held for the director-appointed positions. Not less than ten days in advance of the vote, advisory ballots shall be mailed to all producers or handlers entitled to vote, if their names appear upon the list of affected parties or affected producers or handlers, whichever is applicable. Notice of every advisory vote for board membership shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of the vote. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(4) The candidates whose names are forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the board. The director may select either person for the position.

NEW SECTION. **Sec. 25.** A new section is added to chapter 15.65 RCW to read as follows:

(1) This section or section 24 of this act applies when the director appoints a majority of the board positions as set forth under RCW 15.65.220(3).

(2) Candidates for director-appointed board positions on a commodity board shall be nominated under RCW 15.65.250.

(3) The director shall cause an advisory vote to be held for the director-appointed positions. Not less than ten days in advance of the vote, advisory ballots shall be mailed to all producers or handlers entitled to vote, if their names appear upon the list of affected parties or affected producers or handlers, whichever is applicable. Notice of every advisory vote for board membership shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of the vote. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The name of the candidate receiving the most votes in the advisory vote shall be forwarded to the director for appointment to the commodity board.

(4) The director shall appoint the candidate receiving the most votes in an advisory ballot unless the candidate fails to meet the qualifications of commodity board members under this chapter and the marketing order. In the event the director rejects the candidate receiving the most votes, the position is vacant and shall be filled under RCW 15.65.270(2).

Sec. 26. RCW 15.65.250 and 1987 c 393 s 7 are each amended to read as follows:

For the purpose of nominating candidates (~~((to be voted upon))~~) for (~~((election to such))~~) board memberships, the director shall call separate meetings of the affected producers and handlers within the affected area and in case elections shall be by districts (~~((he))~~) the director shall call separate meetings for each district. However, at the inception any marketing agreement or order nominations may be at the issuance hearing. Nomination meetings shall be called annually and at least thirty days in advance of the date set for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all on the list of affected parties or affected producers and/or handlers (~~((according to the list thereof maintained by the director pursuant to RCW 15.65.200))~~), whichever is applicable. However, if the agreement or order provides for election by districts such written notice need be given only to the producers or handlers residing in or whose principal place of business is within such district. Nonreceipt of notice by any interested person shall not invalidate proceedings at such meetings. Any qualified person may be nominated orally for membership upon such board at the said meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five producers or handlers, as the case may be, entitled to have participated in said meeting.

If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the vacancy by mail to all affected producers or handlers. The notice shall call for nominations in accordance with the marketing order or agreement and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

Not more than one board member may be part of the same "person" as defined by this chapter. When only one nominee is nominated for any position on the board, the director shall (~~((deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly))~~) determine whether the nominee meets the qualifications for the position and, if so, the director shall declare the nominee elected or appoint the nominee to the position.

Sec. 27. RCW 15.65.260 and 1985 c 261 s 10 are each amended to read as follows:

(1) The elected members of every (~~((such))~~) commodity board shall be elected by secret mail ballot under the supervision of the director. Elected producer members of (~~((such))~~) the board shall be elected by a majority of the votes cast by the affected producers within the affected area, but if the marketing order or agreement provides for districts such producer members of the board shall be elected by a majority of the votes cast by the affected producers in the respective districts. Each affected producer within the affected area shall be entitled to one vote. Elected handler members of the board shall be elected by a majority of the votes cast by the affected handlers within the affected area, but if the marketing order or agreement provides for districts such handler members of the board shall be elected by a majority of the votes cast by the affected handlers in the respective districts. Each affected handler within the affected area shall be entitled to one vote.

If a nominee does not receive a majority of the votes on the first ballot a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(2) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected area defined in the order or agreement not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each producer and handler entitled to vote whose name appears upon the list (~~((thereof compiled and maintained by the director in accordance with RCW 15.65.200))~~) of affected parties or affected producers or handlers, whichever is applicable. Any other producer or handler entitled to vote may obtain a ballot by application to the director upon establishing his or her qualifications. Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election of any board member.

Sec. 28. RCW 15.65.270 and 2001 2nd sp.s. c 6 s 1 are each amended to read as follows:

(1) In the event of a vacancy in an elected position on the board, the remaining board members shall select a qualified person to fill the ~~((unexpired term. A majority of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.))~~ vacant position for the remainder of the current term or as provided in the marketing order or agreement.

(2) In the event of a vacancy on the board in a position appointed by the director, the remaining board members shall recommend to the director a qualified person for appointment to the vacant position. The director shall appoint the person recommended by the board unless the person fails to meet the qualifications of board members under this chapter and the marketing order or agreement.

(3) A majority of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(4) Each member of the board shall be compensated in accordance with RCW 43.03.230. Members and employees of the board may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity board's marketing order or agreement. Otherwise, if not defined or referenced in the marketing order or agreement, reimbursement for travel expenses shall be at the rates allowed state employees in accordance with RCW 43.03.050 and 43.03.060.

Sec. 29. RCW 15.65.280 and 2001 c 315 s 6 are each amended to read as follows:

The powers and duties of the board shall be:

- (1) To elect a chairman and such other officers as it deems advisable;
- (2) To advise and counsel the director with respect to the administration and conduct of such marketing agreement or order;
- (3) To recommend to the director administrative rules~~((, regulations))~~ and orders and amendments thereto for the exercise of his or her powers in connection with such agreement or order;
- (4) To advise the director upon any and all assessments provided pursuant to the terms of such agreement or order and upon the collection, deposit, withdrawal, disbursement and paying out of all moneys;
- (5) To assist the director in the collection of such necessary information and data as the director may deem necessary in the proper administration of this chapter;
- (6) To administer the order or agreement as its administrative board if the director designates it so to do in such order or agreement;
- (7) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the board's marketing order or agreement;
- (8) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the board's marketing order or agreement. Personal service contracts must comply with chapter 39.29 RCW;
- (9) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the board's marketing order or agreement;
- (10) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a board. The retention of a private attorney is subject to review by the office of the attorney general;
- (11) To engage in appropriate fund-raising activities for the purpose of supporting activities of the board authorized by the marketing order or agreement;
- (12) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;
- (13) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; ~~((and))~~
- (14) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the marketing order or agreement, and data on the value of each producer's production for a minimum three-year period;

(15) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person; and

(16) To perform such other duties as the director may prescribe in the marketing agreement or order.

Any agreement or order under which the commodity board administers the order or agreement shall (if so requested by the affected producers within the affected area in the proposal or promulgation hearing) contain provisions whereby the director reserves the power to approve or disapprove every order, rule or directive issued by the board, in which event such approval or disapproval shall be based on whether or not the director believes the board's action has been carried out in conformance with the purposes of this chapter.

NEW SECTION. Sec. 30. A new section is added to chapter 15.65 RCW to read as follows:

(1) Each commodity board shall prepare a list of all affected producers from any information available from the department, producers, producer associations or organizations, or handlers of the affected commodity. This list shall contain the names and addresses of all affected persons who produce the affected commodity and the amount, by unit, of the affected commodity produced during at least the past three years.

(2) Each commodity board shall prepare a list of all persons who handle the affected commodity and the amount of the commodity handled by each person during at least the past three years.

(3) It is the responsibility of all affected parties to ensure that their correct address is filed with the commodity board. It is also the responsibility of affected parties to submit production data and handling data to the commodity board as prescribed by the board's marketing order or agreement.

(4) Any qualified person may, at any time, have his or her name placed upon any list for which he or she qualifies by delivering or mailing the information to the commodity board. The lists shall be corrected and brought up-to-date in accordance with evidence and information provided to the commodity board.

(5) At the director's request, the commodity board shall provide the director a list of affected producers or handlers that is certified by the commodity board to be complete according to the commodity board's records. The list shall contain all information required by the director to conduct a referendum or board member election or selection under this chapter and the marketing order or agreement.

(6) For all purposes of giving notice, holding referenda, and electing or selecting members of a commodity board, the applicable list corrected up to the day preceding the date the list is certified by the commodity board and mailed to the director is deemed to be the list of all affected producers or affected handlers, as applicable, entitled to notice or to vote. Inadvertent failure to notify an affected producer or handler does not invalidate a proceeding conducted under this chapter.

NEW SECTION. Sec. 31. A new section is added to chapter 15.65 RCW to read as follows:
Agricultural commodity boards shall adopt rules governing promotional hosting expenditures by commodity board employees, agents, or board members under RCW 15.04.200.

Sec. 32. RCW 15.65.375 and 1988 c 54 s 1 are each amended to read as follows:

Any marketing agreement or order may authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030(~~((4))~~) (30) or any agricultural chemical which is of use or potential use in producing the affected commodity. Any marketing agreement or order may authorize the expenditure of commodity board funds for this purpose.

Sec. 33. RCW 15.65.380 and 1961 c 256 s 38 are each amended to read as follows:

Any marketing agreement or order may contain any other, further, and different provisions which are incidental to and not inconsistent with this chapter and which the director finds to be needed

and reasonably adapted to effectuate the declared policies of this chapter. ~~((Such)) The provisions shall set forth the detailed application of this chapter to the affected agricultural commodity. ((The director or his designee shall have the power to make rules and regulations of a technical or administrative nature under this chapter and/or under any agreement or order issued pursuant to this chapter.))~~

Sec. 34. RCW 15.65.430 and 1961 c 256 s 43 are each amended to read as follows:

Any moneys collected or received by the director or his or her designee pursuant to the provisions of any marketing agreement or order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the director determines to be reasonably adapted to effectuate the declared policies of this chapter and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the director or ~~((his))~~ a designee finds that the same will tend to effectuate such policies and purposes. ~~((Upon the termination of any marketing agreement or order, any and all moneys remaining, and not required to defray the expenses or repay the obligations incurred and undertaken pursuant to such agreement or order, shall be returned by the director upon a pro rata basis to all persons from whom such moneys were collected or received. However, if the director finds that the amounts so returnable are so small as to make impractical the computation and remitting of such pro rata refund to such persons, the director may use such moneys to defray expenses incurred by him in the formulation, issuance, administration or enforcement of any subsequent marketing agreement or order for such commodity. Thereafter, if there are any such moneys remaining which have not been used by the director as hereinabove provided, the same shall be withdrawn from the approved depository and paid into the state treasury as unclaimed trust moneys.))~~

Sec. 35. RCW 15.65.450 and 1961 c 256 s 45 are each amended to read as follows:

Prior to the issuance of any marketing agreement or order, the director may require the applicants therefor to deposit with him or her such amount of money as the director may deem necessary to defray the expenses of preparing and making effective such agreement or order. ~~((The director or his designee may reimburse the applicant from any moneys received by him under such agreement or order for any moneys so deposited by such applicant and/or for any necessary expenses incurred by such applicant in preparing and obtaining approval of such marketing agreement or order upon receipt of a verified statement of such expense approved by the director or his designee.))~~

(1) A commodity board shall reimburse the department for expenses incurred by the department when a commodity board petitions the director to amend or terminate a marketing order or agreement and for other services provided by the department under this chapter. The department shall provide to a commodity board an estimate of expenses that may be incurred to amend or terminate a marketing order or agreement prior to any services taking place.

(2) Petitioners who are not a majority of a commodity board, and who file a petition with the director to issue, amend, or terminate a marketing order or agreement, shall deposit funds with the director to pay for expenses incurred by the department, under rules adopted by the director.

(3) A commodity board shall reimburse petitioners the amount paid to the department under the following circumstances:

(a) If the petition is to issue a marketing order or agreement, the commodity board shall reimburse the petitioners the amount expended by the department when funds become available after establishment of the commodity board; or

(b) If the petition is to amend or terminate a marketing order or agreement and the proposal is assented to by the affected parties or affected producers, the commodity board shall reimburse the petitioners within thirty days of the referendum.

(4) If for any reason a proceeding is discontinued, the commodity board or petitioners, whichever is applicable, shall only reimburse the department for expenses incurred by the department up until the time the proceeding is discontinued.

Sec. 36. RCW 15.65.570 and 1961 c 256 s 57 are each amended to read as follows:

~~(1) All proceedings ((held by the director for the promulgation of any marketing agreement or order and the amendment, modification, or dissolution thereof and all proceedings concerning the promulgation of any rules or regulations or the amendment or modification thereof and appeals therefrom)) conducted under this chapter shall be subject to the provisions of chapter 34.05 RCW ((as enacted or hereafter amended)) unless otherwise provided for in this chapter.~~

(2) Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, chapter 19.85 RCW, the regulatory fairness act, and RCW 43.135.055 when the adoption of the rules is determined by a referendum vote of the affected parties.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

- (1) RCW 15.65.030 (Declaration of purpose and police power) and 1961 c 256 s 3;
- (2) RCW 15.65.080 (Hearings public--Oaths--Record--Administrative law judge, powers) and 1981 c 67 s 18 & 1961 c 256 s 8;
- (3) RCW 15.65.460 (Marketing act revolving fund--Composition) and 1961 c 256 s 46; and
- (4) RCW 15.65.405 (Annual assessment in excess of the fiscal growth factor under chapter 43.135 RCW--Hop commodity board--Mint commodity board) and 1995 c 109 s 1.

NEW SECTION. Sec. 38. A new section is added to chapter 15.66 RCW to read as follows:

The history, economy, culture, and the future of Washington state to a large degree all involve agriculture. In order to develop and promote Washington's agricultural products as part of the existing comprehensive scheme to regulate agricultural commodities, the legislature declares:

(1) That the marketing of agricultural products within this state is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that its agricultural commodities be properly promoted by (a) enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the commodities they produce; and (b) working towards stabilizing the agricultural industry by increasing consumption of agricultural commodities within the state, the nation, and internationally;

(2) That farmers and ranchers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the agricultural producer's ability to compete in local, domestic, and foreign markets;

(3) That it is now in the overriding public interest that support for the agricultural industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that each agricultural commodity be promoted individually, and as part of a comprehensive industry to:

- (a) Enhance the reputation and image of Washington state's agricultural commodities;
- (b) Increase the sale and use of Washington state's agricultural commodities in local, domestic, and foreign markets;
- (c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's agricultural commodities;
- (d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's agricultural commodities and products; and
- (e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of agricultural commodities produced in Washington state;

(4) That the director seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber, and seek to maintain the economic well-being of the agricultural industry in Washington state consistent with its regulatory activities and responsibilities;

(5) That the director is hereby authorized to implement, administer, and enforce this chapter through the adoption of marketing orders that establish commodity commissions; and

(6) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state.

Sec. 39. RCW 15.66.010 and 1993 c 80 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him or her concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order ~~((issued))~~ adopted by rule by the director that establishes a commodity commission for an agricultural commodity pursuant to this chapter.

(4) "Agricultural commodity" means any of the following commodities or products: Llamas, alpacas, or any other animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including, but not limited to, products qualifying as organic food products under chapter 15.86 RCW and private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, within its natural or processed state, including beehives containing bees and honey and Christmas trees but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. "To produce" means to act as a producer. For the purposes of ~~((RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended))~~ this chapter, "producer" shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) "Affected producer" means any producer ~~((of an affected commodity))~~ who is subject to a marketing order.

(7) "Affected commodity" means ~~((any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060))~~ the agricultural commodity that is specified in the marketing order.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals or any unit or agency of local, state, or federal government.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his or her product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

(14) "Affected handler" means any handler of an affected commodity.

(15) "Affected parties" means any producer, affected producer, handler, or commodity commission member.

(16) "Assessment" means the monetary amount established in a marketing order that is to be paid by each affected producer to a commission in accordance with the schedule established in the marketing order.

(17) "Mail" or "send," for purposes of any notice relating to rule making, referenda, or elections, means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(18) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of an agricultural commodity that is not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(19) "List of affected parties" means a list containing the names and mailing addresses of affected parties. This list must contain the names and addresses of all affected parties and, if requested by the director, the amount, by unit, of the affected commodity produced during a designated period under this chapter.

(20) "List of affected producers" means a list containing the names and mailing addresses of affected producers. This list must contain the names and addresses of all affected producers and, if requested by the director, the amount, by unit, of the affected commodity produced during a designated period under this chapter.

(21) "List of affected handlers" means a list containing the names and addresses of affected handlers. This list must contain the names and addresses of all affected handlers and, if requested by the director, the amount, by unit, of the affected commodity handled during a designated period under this chapter.

(22) "Percent by numbers" means the percent of those persons on the list of affected parties or affected producers.

(23) "Referendum" means a vote by the affected parties or affected producers which is conducted by secret ballot.

(24) "Rule-making proceedings" means rule making under chapter 34.05 RCW.

(25) "Vacancy" means that a commission member leaves or is removed from a position on the commission prior to the end of a term, or a nomination process for the beginning of a term concludes with no candidates for a position.

(26) "Volume of production" means the percent of the average volume of production of the affected commodity of those on the list of affected parties or affected producers for a production period. For the purposes of this chapter, a production period is a minimum three-year period or as specified in the marketing order.

Sec. 40. RCW 15.66.030 and 2001 c 315 s 1 are each amended to read as follows:

Marketing orders may be made for any one or more of the following purposes:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets, or to create new or larger markets for any agricultural commodity grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of any agricultural commodity;

(3) To provide for improving standards and grades by defining, establishing, and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices;

(5) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of an agricultural commodity produced in Washington state to any elected official or officer or employee of any agency;

(6) To provide marketing information and services for producers of an agricultural commodity;

(7) To provide information and services for meeting resource conservation objectives of producers of an agricultural commodity;

(8) To engage in cooperative efforts in the domestic or foreign marketing of food products of an agricultural commodity; and

(9) To provide for commodity-related education and training.

NEW SECTION. Sec. 41. A new section is added to chapter 15.66 RCW to read as follows:

This chapter and the rules adopted under it are only one aspect of the comprehensively regulated agricultural industry.

(1) Other laws applicable to agricultural commodities include the following chapters and the rules adopted thereunder:

Chapter 15.08 RCW Horticultural pests and diseases;
Chapter 15.13 RCW Horticultural plants and facilities--Inspection and licensing;
Chapter 15.14 RCW Planting stock;
Chapter 15.15 RCW Certified seed potatoes;
Chapter 15.17 RCW Standards of grades and packs;
Chapter 15.19 RCW Certification and inspection of ginseng;
Chapter 15.30 RCW Controlled atmosphere storage of fruits and vegetables;
Chapter 15.49 RCW Seeds;
Chapter 15.53 RCW Commercial feed;
Chapter 15.54 RCW Fertilizers, minerals, and limes;
Chapter 15.58 RCW Washington pesticide control act;
Chapter 15.60 RCW Apiaries;
Chapter 15.64 RCW Farm marketing;
Chapter 15.83 RCW Agricultural marketing and fair practices;
Chapter 15.85 RCW Aquaculture marketing;
Chapter 15.86 RCW Organic food products;
Chapter 15.92 RCW Center for sustaining agriculture and natural resources;
Chapter 17.24 RCW Insect pests and plant diseases;
Chapter 19.94 RCW Weights and measures;
Chapter 20.01 RCW Agricultural products--Commission merchants, dealers, brokers, buyers, agents;

Chapter 22.09 RCW Agricultural commodities;

Chapter 69.04 RCW Food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

Chapter 69.07 RCW Washington food processing act;

Chapter 69.25 RCW Washington wholesome eggs and egg products act;

Chapter 69.28 RCW Honey;

7 U.S.C., section 136, Federal Insecticide, Fungicide, and Rodenticide Act.

(2) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the potato industry is regulated by or must comply with the following additional laws and the rules or regulations adopted thereunder:

(a) 7 C.F.R., Part 51, United States standards for grades of potatoes;

(b) 7 C.F.R., Part 946, Federal marketing order for Irish potatoes grown in Washington;

(c) 7 C.F.R., Part 1207, Potato research and promotion plan.

(3) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the wheat and barley industries are regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 7 U.S.C., section 1621, Agricultural Marketing Act;

(b) Chapter 70.94 RCW, Washington clean air act, agricultural burning.

(4) In addition to the laws and regulations listed in subsection (1) of this section that apply to the agricultural industry as a whole, the poultry industry is regulated by or must comply with the following additional laws and the rules adopted thereunder:

(a) 21 U.S.C., chapter 10, Poultry and poultry products inspection;

(b) 21 U.S.C., chapter 9, Packers and stockyards;

(c) 7 U.S.C., section 1621, Agricultural Marketing Act;

(d) Washington fryer commission labeling standards.

Sec. 42. RCW 15.66.050 and 1961 c 11 s 15.66.050 are each amended to read as follows:

~~(1) Petitions for issuance, amendment or termination of a marketing order shall be signed by not less than five percent or one hundred of the producers alleged to be affected, whichever is less, and shall be filed with the director. ((Such petition shall be accompanied by a filing fee of one hundred dollars payable to the state treasurer; and shall designate some person as attorney in fact for the purpose of this section. Upon receipt of such a petition, the director shall prepare a budget estimate for handling such petition which shall include the cost of the preparation of the estimate, the cost of the hearings and the cost of the proposed referendum. The petitioners, within thirty days after receipt of the budget estimate by their attorney in fact shall remit to the director the difference between the filing fee of one hundred dollars already paid and the total budget estimate. If the petitioners fail to remit the difference, or if for any other reason the proceedings for the issuance, amendment or termination of the marketing order are discontinued, the filing fee, including any additional amount paid in accordance with such budget estimates shall not be refunded. If the petition results, after proper proceedings, in the issuance, amendment, or termination of a marketing order, said petitioners shall be reimbursed for the amount paid for said total filing fee out of funds of the commodity commission as they become available.)) A petition for amendment or termination of a marketing order may be submitted to the director by majority vote of a commission.~~

(2) A commission shall reimburse the department for expenses incurred by the department when a commodity commission petitions the director to amend or terminate a marketing order and for other services provided by the department under this chapter. The department shall provide to a commodity commission an estimate of expenses that may be incurred to amend or terminate a marketing order prior to any services taking place.

(3) Petitioners who are not a majority of a commission, and who file a petition with the director to issue, amend, or terminate a marketing order, shall deposit funds with the director to pay for expenses incurred by the department, under rules adopted by the director.

(4) A commission shall reimburse petitioners the amount paid to the department under the following circumstances:

(a) If the petition is to issue a marketing order, the commission shall reimburse the petitioners the amount expended by the department when funds become available after establishment of the commission; or

(b) If the petition is to amend or terminate a marketing order, the commission shall reimburse the petitioners within thirty days of the referendum if the proposal is assented to by the affected producers.

(5) If for any reason a proceeding is discontinued, the commission or petitioners, whichever is applicable, shall reimburse the department only for expenses incurred by the department up until the time the proceeding is discontinued.

NEW SECTION. Sec. 43. A new section is added to chapter 15.66 RCW to read as follows:

(1) All rule-making proceedings conducted under this chapter shall be in accordance with chapter 34.05 RCW.

(2) Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, chapter 19.85 RCW, the regulatory fairness act, and RCW 43.135.055 when adoption of the rule is determined by a referendum vote of the affected parties.

(3) The director may adopt amendments to marketing orders without conducting a referendum if the amendments are adopted under the following criteria:

(a) The proposed amendments relate only to internal administration of a marketing order and are not subject to violation by a person;

(b) The proposed amendments adopt or incorporate by reference without material change federal statutes or regulations, Washington state statutes, or rules of other Washington state agencies, if the material adopted or incorporated regulates the same activities as are authorized under the marketing order;

(c) The proposed amendments only correct typographical errors, make address or name changes, or clarify language of a rule without changing the marketing order;

(d) The content of the proposed amendments is explicitly and specifically dictated by statute.

A marketing order shall not be amended without a referendum to provide that a majority of the commodity commission members be appointed by the director.

NEW SECTION. Sec. 44. A new section is added to chapter 15.66 RCW to read as follows:

The director may adopt rules necessary to carry out the director's duties and responsibilities under this chapter including:

- (1) The issuance, amendment, suspension, or termination of marketing orders;
- (2) Procedural, technical, or administrative rules which may address and include, but are not limited to:
 - (a) The submission of a petition to issue, amend, or terminate a marketing order under this chapter;
 - (b) Nominations conducted under this chapter;
 - (c) Elections of commission members or referenda conducted under this chapter; and
 - (d) Actions of the director upon a petition to issue, amend, or terminate a marketing order;
- (3) Rules that provide for a method to fund:
 - (a) The costs of staff support for all commodity boards and commissions in accordance with section 78 of this act if the position is not directly funded by the legislature; and
 - (b) The actual costs related to the specific activity undertaken on behalf of an individual commodity board or commission.

Sec. 45. RCW 15.66.060 and 1975 1st ex.s. c 7 s 7 are each amended to read as follows:

(1) Upon receipt of a petition for the issuance ~~((, amendment, or termination))~~ of a marketing order, the director shall establish a list of ~~((producers))~~ affected parties of the agricultural commodity affected ~~((or make any such existing list current))~~. In establishing ~~((or making current such))~~ a list of ~~((producers))~~ affected parties and their individual production, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him or her in the three years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. ~~((Such))~~ Information as to production may also be accepted from other valid sources if readily available. ~~((The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director: PROVIDED, That any commission established under the provisions of this chapter may at its discretion prior to any election for any purpose by such commission carry out the above stated mandate to the director for establishing a list of producers and their individual production, and supply the director with a current list of all producers subject to the provisions of the marketing order under which it was formed.~~

~~Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.~~

~~The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.)~~ Notice of a proposed marketing order issuance shall be as provided for in RCW 15.66.070.

(2) The director shall use the list of affected parties for the purpose of notice, referendum proceedings, and electing or selecting members of the commission in accordance with this chapter and rules adopted under this chapter.

(3) An affected party may at any time file his or her name and mailing address with the director. A list of affected parties may be brought up-to-date by the director up to the day preceding a

mailing of a notice or ballot under this chapter and that list is deemed the list of affected parties entitled to vote.

(4) The list of affected parties shall be kept in the rule-making file by the director. The list shall be certified as a true representation of the referendum mailing list. Inadvertent failure to notify an affected party does not invalidate a proceeding conducted under this chapter.

(5) The list of affected parties that is certified as the true representation of the mailing list of a referendum shall be used to determine assent as provided in this chapter.

(6) The director shall provide the commodity commission the list of affected and interested parties once a marketing order is adopted and a commodity commission is established as provided in this chapter.

Sec. 46. RCW 15.66.070 and 1961 c 11 s 15.66.070 are each amended to read as follows:

(1) Notice of a public hearing to issue, amend, or terminate a marketing order shall be published once a week for four consecutive weeks in a newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected parties or affected producers. The director shall mail notice to all affected parties or affected producers, as applicable, who may be directly affected by the proposal and whose names and addresses appear on the list compiled under this chapter.

(2) At ~~((the))~~ a public hearing the director shall receive ~~((evidence and))~~ testimony offered in support of, or opposition to, the proposed issuance of, amendment to, or termination of a marketing order and concerning the terms, conditions, scope, and area thereof. Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearings shall be made and maintained on file in the office of the director, which file shall be open to public inspection. The director shall base ~~((his))~~ any findings upon the testimony ~~((and evidence))~~ received at the hearing, together with any other relevant facts available ~~((to him))~~ from official publications of institutions of recognized standing. The director shall describe in ~~((his))~~ the findings such official publications upon which any finding is based.

~~((For such hearings and for any other hearings under this chapter,))~~ (3) The director shall have the power to subpoena witnesses and to issue subpoenas for the production of any books, records, or documents of any kind.

(4) The superior court of the county in which any hearing or proceeding may be had may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. The director, in case of the refusal of any witness to attest or testify or produce any papers required by the subpoena, shall report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of ~~((said))~~ the witness or the production of ~~((said))~~ the papers and that the witness has been summoned in the manner prescribed in this chapter and that he or she has failed to attend or produce the papers required by the subpoena at the hearing, cause or proceeding specified in the subpoena, or has refused to answer questions propounded to him or her in the course of such hearing, cause, or proceeding, and shall ask an order of the court to compel a witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he or she has not responded to the subpoena. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued, it shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey ~~((said))~~ the order the witness shall be dealt with as for contempt of court.

Sec. 47. RCW 15.66.090 and 1975 1st ex.s. c 7 s 8 are each amended to read as follows:

After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected parties or producers assent to the proposed action or not. The director shall conduct the referendum among the affected parties or producers based on the list as provided for in RCW 15.66.060, and the affected parties or producers shall be deemed to have assented to the proposed issuance or termination order if fifty-one percent or more by number reply to the referendum within the time specified by the

director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The producers shall be deemed to have assented to the proposed amendment order if sixty percent or more by number and sixty percent or more by volume of those replying assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of RCW 15.66.060, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: PROVIDED, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

NEW SECTION. Sec. 48. A new section is added to chapter 15.66 RCW to read as follows:

The director may, upon the request of a commodity commission and without compliance with RCW 15.66.070 through 15.66.090, suspend the commission's order or term or provision thereof for a period of not to exceed one year, if the director finds that the suspension will tend to effectuate the declared policy of this chapter. Any suspension of all, or substantially all, of a marketing order by the director is not effective until the end of the then current marketing season.

NEW SECTION. Sec. 49. A new section is added to chapter 15.66 RCW to read as follows:

The director is not required to hold a public hearing or a referendum more than once in any twelve-month period on petitions to issue, amend, or terminate a marketing order if any of the following circumstances are present:

- (1) The petition proposes to establish a marketing order for the same commodity;
- (2) The petition proposes the same or a similar amendment to a marketing order; or
- (3) The petition proposes to terminate the same marketing order.

NEW SECTION. Sec. 50. A new section is added to chapter 15.66 RCW to read as follows:

(1) Pursuant to RCW 42.17.31907, certain agricultural business records, commodity commission records, and department of agriculture records relating to commodity commissions and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or a commodity commission for the purpose of administering this act or a marketing order may be shared between the department and the applicable commodity commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of a number of persons subject to any marketing order as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or a commodity commission of the name of any person violating any marketing order and a statement of the manner of the violation by that person.

Sec. 51. RCW 15.66.110 and 2001 c 315 s 2 are each amended to read as follows:

(1) Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission unless otherwise specified in the marketing order. Commission members shall be citizens and residents of this state if required by the marketing order, and over the age of eighteen. Not more than one commission member may be part of the same "person" as defined by this chapter. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Except as provided in subsection (2) of this section, no

less than two-thirds of the commission members shall be elected by the affected producers and such elected members shall all be affected producers. The remaining members shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity, or persons not so related.

(2) A marketing order may provide that a majority of the commission be appointed by the director, but in any event, no less than one-third of the commission members shall be elected by the affected producers.

(3) In the event that the marketing order provides that a majority of the commission be appointed by the director, the marketing order shall incorporate either the provisions of section 52 or 53 of this act for member selection.

NEW SECTION. Sec. 52. A new section is added to chapter 15.66 RCW to read as follows:

(1) This section or section 53 of this act applies when the director appoints a majority of the positions of the commission as set forth under RCW 15.66.110(3).

(2) Candidates for director-appointed positions on a commission shall be nominated under RCW 15.66.120(1).

(3) Not less than sixty days nor more than seventy-five days prior to the commencement of a commission member's term, the director shall cause an advisory vote to be held for the director-appointed positions. Advisory ballots shall be mailed to all affected producers and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the commission. In the event there are only two candidates nominated for a position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(4) The candidates whose names are forwarded to the director for potential appointment shall submit to the director a letter stating why he or she wishes to be appointed to the commission. The director may select either person for the position.

NEW SECTION. Sec. 53. A new section is added to chapter 15.66 RCW to read as follows:

(1) This section or section 52 of this act applies when the director appoints a majority of the positions on a commission as set forth under RCW 15.66.110(3).

(2) Candidates for director-appointed positions on a commission shall be nominated under RCW 15.66.120(1).

(3) Not less than sixty days nor more than seventy-five days prior to the commencement of a commission member's term, the director shall cause an advisory vote to be held for the director-appointed positions. Advisory ballots shall be mailed to all affected producers and shall be returned to the director not less than thirty days prior to the commencement of the term. The advisory ballot shall be conducted in a manner so that it is a secret ballot. The name of the candidate receiving the most votes in the advisory vote shall be forwarded to the director for appointment to the commission.

(4) The director shall appoint the candidate receiving the most votes in an advisory ballot unless the candidate fails to meet the qualifications of commission members under this chapter and the marketing order. In the event the director rejects the candidate receiving the most votes, the position is vacant and shall be filled under RCW 15.66.120(8).

Sec. 54. RCW 15.66.120 and 1975 1st ex.s. c 7 s 9 are each amended to read as follows:

(1) Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, ~~((the director shall give))~~ notice ~~((by mail))~~ shall be mailed to all affected producers ~~((of the vacancy and))~~ with a call for nominations in accordance with this section and ~~((with the))~~ provisions of the marketing order ~~((and shall give))~~. The notice ~~((of))~~ shall give the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. ~~((Such))~~ The notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, ~~((such))~~ then the number ~~((as such))~~ provided in the marketing order ~~((provides))~~.

(2) Not less than sixty days nor more than seventy-five days prior to the commencement of ~~((such))~~ a commission member term, the director shall ~~((submit by))~~ mail ballots to all affected producers~~((, which))~~. Ballots shall be required to be returned to the director not less than thirty days prior to the commencement of ~~((such))~~ the term. ~~((Such))~~ The mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations for commission members in the notice of ~~((his))~~ the director's decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

~~((Said elected))~~ (3) Commission members may be elected or appointed from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

(4) The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term ~~((but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy)), or appointed by the director under this chapter and the marketing order.~~

(5) When only one nominee is nominated for any position on the commission, the director shall ~~((deem that said nominee satisfies the requirements of the position and then it shall be deemed that said nominee has been duly))~~ determine whether the nominee meets the qualifications of the position and, if so, the director shall declare the nominee elected or appoint the nominee to the position.

(6) In the event of a vacancy in an elected commission member position on a commodity commission, the remaining members shall select a qualified person to fill the vacant position for the remainder of the current term or as provided in the marketing order.

(7) In the event of a vacancy in an appointed member position on a commodity commission, the appointment of members shall be as specified in the marketing order.

(8) In the event of a vacancy in a director-appointed member position on a commodity commission, the remaining members shall recommend to the director a qualified person for appointment to the vacant position. The director shall appoint the person recommended by the commission unless the person fails to meet the qualifications of commission members under this chapter and the marketing order.

NEW SECTION. Sec. 55. A new section is added to chapter 15.66 RCW to read as follows:

(1) Upon completion of any vote, referendum, or nomination and elections, the department shall tally the results of the vote and provide the results to affected parties.

(2) If an affected party disputes the results of a vote, that affected party, within sixty days from the announced results, shall provide in writing a statement of why the vote is disputed and request a recount.

(3) Once the vote is tallied and distributed, all disputes are resolved, and all matters in a vote are finalized, the individual ballots may be destroyed.

Sec. 56. RCW 15.66.130 and 2001 2nd sp.s. c 6 s 2 are each amended to read as follows:

Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the voting members shall constitute a quorum for the transaction of all business of the commission. ~~((In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term.))~~

Each member of the commission shall be compensated in accordance with RCW 43.03.230. Members and employees of the commission may be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter, as defined under the commodity ~~((board's))~~ commission's marketing order. Otherwise, if not defined or referenced in the marketing order, reimbursement for travel expenses shall be in accordance with RCW 43.03.050 and 43.03.060.

Sec. 57. RCW 15.66.140 and 2001 c 315 s 3 are each amended to read as follows:

Every ~~((marketing))~~ commodity commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

- (1) To elect a ~~((chairman))~~ chair and such other officers as determined advisable;
- (2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;
- (3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;
- (4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;
- (5) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey the same;
- (6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;
- (7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;
- (8) Borrow money and incur indebtedness;
- (9) Make necessary disbursements for routine operating expenses;
- (10) To expend funds for commodity-related education, training, and leadership programs as each commission deems expedient;
- (11) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in the commission's marketing order;
- (12) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes provided in the commission's marketing order. Personal service contracts must comply with chapter 39.29 RCW;
- (13) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in the commission's marketing order;
- (14) To enter into contracts or agreements for research in the production, irrigation, processing, transportation, marketing, use, or distribution of an affected commodity;
- (15) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of a commission. The retention of a private attorney is subject to review by the office of the attorney general;
- (16) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by the marketing order;
- (17) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of affected commodities including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission; ~~((and))~~
- (18) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of the marketing order and data on the value of each producer's production for a minimum three-year period;
- (19) To maintain a list of the names and addresses of persons who handle the affected commodity within the affected area and data on the amount and value of the commodity handled for a minimum three-year period by each person; and
- (20) Such other powers and duties that are necessary to carry out the purposes of this chapter.

NEW SECTION. **Sec. 58.** A new section is added to chapter 15.66 RCW to read as follows:

(1) Each commodity commission shall prepare a list of all affected producers from any information available from the department, producers, producer associations, organizations, or handlers of the affected commodity. This list shall contain the names and addresses of all affected persons who produce the affected commodity and the amount, by unit, of the affected commodity produced during at least the past three years.

(2) Each commodity commission shall prepare a list of all persons who handle the affected commodity and the amount of the commodity handled by each person during at least the past three years.

(3) It is the responsibility of all affected parties to ensure that their correct address is filed with the commodity commission. It is also the responsibility of affected parties to submit production data and handling data to the commission as prescribed by the commission's marketing order.

(4) Any qualified person may, at any time, have his or her name placed upon any list for which he or she qualifies by delivering or mailing the information to the commission. The lists shall be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

(5) At the director's request, the commodity commission shall provide the director a certified list of affected producers or affected handlers from the commodity commission records. The list shall contain all information required by the director to conduct a referendum or commission member elections under this chapter.

(6) For all purposes of giving notice and holding referenda on amendment or termination proposals, and for giving notice and electing or selecting members of a commission, the applicable list corrected up to the day preceding the date the list is certified by the commission and mailed to the director is deemed to be the list of all affected producers or affected handlers, as applicable, entitled to notice or to vote. Inadvertent failure to notify an affected producer or handler does not invalidate a proceeding conducted under this chapter.

NEW SECTION. Sec. 59. A new section is added to chapter 15.66 RCW to read as follows:
Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by commodity commission employees, agents, or commission members under RCW 15.04.200.

NEW SECTION. Sec. 60. A new section is added to chapter 15.66 RCW to read as follows:
If after complying with the procedures outlined in this chapter and a referendum proposal to terminate a commodity commission is assented to, the affected commodity commission shall:

(1) Document the details of all measures undertaken to terminate the commodity commission and identify and document all closing costs;

(2) Contact the office of the state auditor and arrange for a final audit of the commission. Payment for the audit shall be from commission funds and identified in the budget for closing costs;

(3) Provide for the reimbursement to affected producers of moneys collected by assessment. Reimbursement shall be made to those considered affected producers over the previous three-year time frame on a pro rata basis and at a percent commensurate with their volume of production over the previous three-year period unless a different time period is specified in the marketing order. If the commodity commission finds that the amounts of moneys are so small as to make impractical the computation and remitting of the pro rata refund, the moneys shall be paid into the state treasury as unclaimed trust moneys; and

(4) Transfer all remaining files to the department for storage and archiving, as appropriate.

Sec. 61. RCW 15.66.180 and 1961 c 11 s 15.66.180 are each amended to read as follows:
All moneys which are collected or otherwise received pursuant to each marketing order created under this chapter shall be used solely by and for the commodity commission concerned and shall not be used for any other commission, nor the department except as otherwise provided in this chapter. Such moneys shall be deposited in a separate account or accounts in the name of the individual commission in any bank which is a state depository. All expenses and disbursements incurred and made pursuant to the provisions of any marketing order shall be paid from moneys collected and

received pursuant to such order without the necessity of a specific legislative appropriation and all moneys deposited for the account of any order shall be paid from said account by check or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the commission. None of the provisions of RCW 43.01.050 shall be applicable to any such account or any moneys so received, collected or expended.

Sec. 62. RCW 15.66.185 and 1967 ex.s. c 54 s 2 are each amended to read as follows:

Any funds of any agricultural commodity commission may be invested in savings or time deposits in banks, trust companies, and mutual savings banks (~~(which)~~) that are doing business in ~~((this state))~~ the United States, up to the amount of insurance afforded such accounts by the Federal Deposit Insurance Corporation. This section shall apply to all funds which may be lawfully so invested, which in the judgment of any agricultural commodity commission are not required for immediate expenditure. The authority granted by this section is not exclusive and shall be construed to be cumulative and in addition to other authority provided by law for the investment of such funds.

Sec. 63. RCW 15.66.245 and 1988 c 54 s 2 are each amended to read as follows:

Any marketing agreement or order may authorize the members of a commodity commission, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.58.030~~((+))~~ (30) or any agricultural chemical which is of use or potential use in producing the affected commodity. Any marketing agreement or order may authorize the expenditure of commodity commission funds for this purpose.

Sec. 64. RCW 15.66.260 and 1969 c 66 s 2 are each amended to read as follows:

~~((All general administrative expenses of the director in carrying out the provisions of this chapter shall be borne by the state: PROVIDED, That))~~ The department shall be reimbursed for actual costs incurred in conducting nominations and elections for members of any commodity ((board)) commission established under the provisions of this chapter. Such reimbursement shall be made from the funds of the commission for which the nominations and elections were conducted by the director.

NEW SECTION. **Sec. 65.** RCW 15.66.020 (Declaration of purpose) and 1961 c 11 s 15.66.020 are each repealed.

Sec. 66. RCW 42.17.31907 and 2001 c 314 s 18 are each amended to read as follows:

The following agricultural business records and commodity board and commission records are exempt from the disclosure requirements of this chapter:

(1) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, and 16.67 RCW or required by the department of agriculture ~~((under RCW 15.13.310(4) or 15.49.370(6)))~~ to administer these chapters or the department's programs;

(2) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture; and

(3) Financial and commercial information and records supplied by persons ~~((to))~~ (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; (b) to the department of agriculture or commodity boards or commissions formed under chapter((s)) 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.100, ((and)) or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information.

NEW SECTION. **Sec. 67.** A new section is added to chapter 15.26 RCW to read as follows:

(1) Under RCW 42.17.31907, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 68. A new section is added to chapter 15.28 RCW to read as follows:

(1) Under RCW 42.17.31907, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 69. A new section is added to chapter 15.44 RCW to read as follows:

(1) Under RCW 42.17.31907, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 70. A new section is added to chapter 15.88 RCW to read as follows:

(1) Under RCW 42.17.31907, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 71. A new section is added to chapter 16.67 RCW to read as follows:

(1) Under RCW 42.17.31907, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving any provision of this chapter or a marketing order.

(3) This chapter does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 72. A new section is added to chapter 15.24 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards and commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 73. A new section is added to chapter 15.26 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards and commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 74. A new section is added to chapter 15.28 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards and commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 75. A new section is added to chapter 15.44 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards and commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 76. A new section is added to chapter 15.88 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 77. A new section is added to chapter 16.67 RCW to read as follows:

The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with section 78 of this act if a position is not directly funded by the legislature and costs related to the specific activity undertaken on behalf of an individual commodity

board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 78. A new section is added to chapter 43.23 RCW to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards and commissions if a position is not directly funded by the legislature.

(2) Staff support funded under this section and sections 7(1)(c), 44(3), and 72 through 77 of this act shall be limited to one-half full-time equivalent employee for all commodity boards and commissions.

NEW SECTION. Sec. 79. A new section is added to chapter 16.67 RCW to read as follows:

The history, economy, culture, and the future of Washington state's agriculture involves the beef industry. In order to develop and promote beef and beef products as part of an existing comprehensive scheme to regulate those products the legislature declares:

(1) That the Washington state beef commission is created;

(2) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its beef and beef products be properly promoted by (a) enabling the beef industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of beef and beef products they produce; and (b) working to stabilize the beef industry by increasing consumption of beef and beef products within the state, the nation, and internationally;

(3) That beef producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the beef producer's ability to compete in local, domestic, and foreign markets;

(4) That it is in the overriding public interest that support for the beef industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that beef and beef products be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of beef products in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of beef and beef products, and in reference to the various cuts and grades of beef and the uses to which each should be put;

(d) Increase the knowledge of the health-giving qualities and dietetic value of beef products;

and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of beef and beef products;

(5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(6) That the beef industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the beef industry include the:

(a) Beef Promotion and Research Act of 1985, U.S.C. Title 7, Chapter 62;

(b) Beef promotion and research, 7 C.F.R., Part 1260;

(c) Agricultural Marketing Act, 7 U.S.C., section 1621;

(d) USDA meat grading, certification, and standards, 7 C.F.R., Part 54;

(e) Mandatory price reporting, 7 C.F.R., Part 57;

(f) Grazing permits, 43 C.F.R., Part 2920;

(g) Capper-Volstead Act, U.S.C. Title 7, Chapters 291 and 292;

(h) Livestock identification under chapter 16.57 RCW and rules;

(i) Organic food products act under chapter 15.86 RCW and rules;

(j) Intrastate commerce in food, drugs, and cosmetics act under chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

- (k) Washington food processing act under chapter 69.07 RCW and rules;
- (l) Washington food storage warehouses act under chapter 69.10 RCW and rules;
- (m) Animal health under chapter 16.36 RCW and rules; and
- (n) Weights and measures under chapter 19.94 RCW and rules.

Sec. 80. RCW 16.67.030 and 1999 c 291 s 30 are each amended to read as follows:

For the purpose of this chapter:

- (1) "Commission" means the Washington state beef commission.
- (2) "Director" means the director of agriculture of the state of Washington or ~~((his duty))~~ an appointed representative.
- (3) "Ex officio members" means those advisory members of the commission who do not have a vote.
- (4) "Department" means the department of agriculture of the state of Washington.
- (5) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.
- (6) "Beef producer" means any person who raises, breeds, grows, or purchases cattle or calves for beef production.
- (7) "Dairy (beef) producer" means any person who raises, breeds, grows, or purchases cattle for dairy production and who is actively engaged in the production of fluid milk.
- (8) "Feeder" means any person actively engaged in the business of feeding cattle and usually operating a feed lot.
- (9) "Producer" means any person actively engaged in the cattle industry including beef producers and dairy (beef) producers.
- (10) "Washington cattle" shall mean all cattle owned or controlled by affected producers and located or sold in the state of Washington.
- (11) "Meat packer" means any person operating a slaughtering establishment subject to inspection under a federal meat inspection act.
- (12) "Livestock salesyard operator" means any person licensed to operate a cattle auction market or salesyard under the provisions of chapter 16.65 RCW as enacted or hereafter amended.
- (13) "Mail" or "send" for purposes of any notice relating to rule making means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

Sec. 81. RCW 16.67.070 and 1991 c 9 s 4 are each amended to read as follows:

- (1) In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of such position shall be filled by the director forthwith.
- (2) Each member of the commission shall be compensated in accordance with RCW 43.03.230 ~~((and))~~.
- (3) Each member or employee shall be reimbursed for actual travel expenses ((in accordance with)) incurred in carrying out the provisions of this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

Sec. 82. RCW 16.67.090 and 2000 c 146 s 2 are each amended to read as follows:

The powers and duties of the commission shall include the following:

- (1) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;
- (2) To elect a chairman and such other officers as it deems advisable;
- (3) To employ and discharge at its discretion a manager, secretary, and such other personnel, including attorneys engaged in the private practice of law subject to the ~~((approval and supervision))~~ review of the attorney general, as the commission determines are necessary and proper to carry out the purposes of this chapter, and to prescribe their duties and powers and fix their compensation;

(4) To adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder subject to the provisions of chapter 34.05 RCW (~~Administrative Procedure Act~~ as now or hereafter amended), except that rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, the provisions of chapter 19.85 RCW, the regulatory fairness act, and the provisions of RCW 43.135.055 when adoption of the rule is determined by a referendum vote of the affected parties;

(5) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the commission. All records, books and minutes of the commission shall be kept at such headquarters;

(6) To require a bond of all commission members and employees of the commission in a position of trust in the amount the commission shall deem necessary. The premium for such bond or bonds shall be paid by the commission from assessments collected. Such bond shall not be necessary if any such commission member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(7) To establish a beef commission revolving fund, such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the commission, except an amount of petty cash for each day's needs not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable; none of the provisions of RCW 43.01.050 as now or hereafter amended shall apply to money collected under this chapter;

(8) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of this chapter during each fiscal year;

(9) To incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(10) To borrow money, not in excess of its estimate of its revenue from the current year's contributions;

(11) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, expenditures, moneys and other financial transactions made and done pursuant to this chapter. Such records, books and accounts shall be audited at least every five years subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after completion thereof to the director, the state auditor and the commission. On such years and in such event the state auditor is unable to audit the records, books and accounts within six months following the close of the audit period it shall be mandatory that the commission employ a private auditor to make such audit;

(12) To sue and be sued as a commission, without individual liability for acts of the commission within the scope of the powers conferred upon it by this chapter;

(13) To cooperate with any other local, state, or national commission, organization or agency, whether voluntary or established by state or federal law, including recognized livestock groups, engaged in work or activities similar to the work and activities of the commission created by this chapter and make contracts and agreements with such organizations or agencies for carrying on joint programs beneficial to the beef industry;

(14) To accept grants, donations, contributions or gifts from any governmental agency or private source for expenditures for any purpose consistent with the provisions of this chapter; and

(15) To operate jointly with beef commissions or similar agencies established by state laws in adjoining states.

Sec. 83. RCW 16.67.120 and 2000 c 146 s 5 are each amended to read as follows:

(1) There is hereby levied an assessment of (~~fifty cents~~) one dollar per head on all Washington cattle sold in this state or elsewhere to be paid by the seller at the time of sale: PROVIDED, That if such sale is accompanied by a brand inspection by the department such assessment may be collected at the same time, place and in the same manner as brand inspection fees. Such fees may be collected by the livestock services division of the department and transmitted to the commission: PROVIDED FURTHER, That, if such sale is made without a brand inspection by the

department the assessment shall be paid by the seller and transmitted directly to the commission by the fifteenth day of the month following the month the transaction occurred.

(2) The procedures for collecting all state and federal assessments under this chapter shall be as required by the federal order and as described by rules adopted by the commission.

Sec. 84. RCW 16.67.122 and 2000 c 146 s 6 are each amended to read as follows:

In addition to the assessment authorized pursuant to RCW 16.67.120, the commission has the authority to collect an additional assessment of ~~((one dollar))~~ fifty cents per head for cattle subject to assessment by federal order for the purpose of providing funds for a national beef promotion and research program. The manner in which this assessment will be levied and collected shall be established by rule. The authority to collect this assessment shall be contingent upon the implementation of federal legislation providing for a national beef promotion and research program and the establishment of the assessment requirement to fund its activities.

NEW SECTION. **Sec. 85.** A new section is added to chapter 16.67 RCW to read as follows:

The commission has the power to subpoena witnesses and to issue subpoenas for the production of any books, records, or documents of any kind for the purpose of enforcing this chapter.

NEW SECTION. **Sec. 86.** A new section is added to chapter 16.67 RCW to read as follows:

(1) The commission shall reimburse the director for necessary costs for services conducted on behalf of the commission under this chapter.

(2) The commission may enter into an agreement with the director to administer this chapter or chapter 34.05 RCW.

NEW SECTION. **Sec. 87.** A new section is added to chapter 15.44 RCW to read as follows:

The history, economy, culture, and the future of Washington state's agriculture involves the dairy industry. In order to develop and promote Washington's dairy products as part of an existing comprehensive scheme to regulate those products the legislature declares:

(1) That the Washington state dairy products commission is created. The commission may also take actions under the name "the dairy farmers of Washington";

(2) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its dairy products be properly promoted by (a) enabling the dairy industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the dairy products they produce; and (b) working to stabilize the dairy industry by increasing consumption of dairy products within the state, the nation, and internationally;

(3) That dairy producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the dairy producer's ability to compete in local, domestic, and foreign markets;

(4) That it is in the overriding public interest that support for the dairy industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that dairy products be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of Washington state's dairy products in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's dairy products;

(d) Increase the knowledge of the health giving qualities and dietetic value of dairy products;

and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of dairy products produced in Washington state;

(5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(6) That the dairy industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the dairy industry include the:

- (a) Federal marketing order under 7 C.F.R., Part 1124;
- (b) Dairy promotion program under the dairy and tobacco adjustment act of 1983, Subtitle B;
- (c) Milk and milk products act under chapter 15.36 RCW and rules, including the:
 - (i) The national conference of interstate milk shippers pasteurized milk ordinance;
 - (ii) The national conference of interstate milk shippers dry milk ordinance;
 - (iii) Standards for the fabrication of single-service containers;
 - (iv) Procedures governing cooperative state-public health service;
 - (v) Methods of making sanitation ratings of milk supplies;
 - (vi) Evaluation and certification of milk laboratories; and
 - (vii) Interstate milk shippers;
- (d) Milk and milk products for animal food act under chapter 15.37 RCW and rules;
- (e) Organic food products act under chapter 15.86 RCW and rules;
- (f) Intrastate commerce in food, drugs, and cosmetics act under chapter 69.04 RCW and rules, including provisions of 21 C.F.R. relating to the general manufacturing practices, milk processing, food labeling, food standards, and food additives;
- (g) Washington food processing act under chapter 69.07 RCW and rules;
- (h) Washington food storage warehouses act under chapter 69.10 RCW and rules;
- (i) Animal health under chapter 16.36 RCW and rules;
- (j) Weighmasters under chapter 15.80 RCW and rules; and
- (k) Dairy nutrient management act under chapter 90.64 RCW and rules.

Sec. 88. RCW 15.44.010 and 1985 c 261 s 17 are each amended to read as follows:

As used in this chapter:

"Commission" means the Washington state dairy products commission;

To "ship" means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption or industrial or medicinal uses;

"Handler" means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

"Dealer" means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

"Mail" or "send" for purposes of any notice relating to rule making, referenda, or elections means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making.

"Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail;

"Processor" means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

"Producer" means a person who produces milk from cows and sells it for human or animal food, or medicinal or industrial uses;

"Maximum authorized assessment rate" means the level of assessment most recently approved by a referendum of producers;

"Current level of assessment" means the level of assessment paid by the producer as set by the commission which cannot exceed the maximum authorized assessment rate.

Sec. 89. RCW 15.44.020 and 1979 ex.s. c 238 s 2 are each amended to read as follows:

~~((There is hereby created a Washington state dairy products commission to be thus known and designated: PROVIDED, That the commission may take actions under the name, "the dairy farmers of Washington".-))~~ The dairy products commission shall be composed of not more than ten members. There shall be one member from each district who shall be a practical producer of dairy products to be elected by such producers, one member shall be a dealer, and one member shall be a producer who also acts as a dealer, and such dealer and producer who acts as a dealer shall be appointed by the director of agriculture, and the director of agriculture shall be an ex officio member without vote.

Sec. 90. RCW 15.44.035 and 1965 ex.s. c 44 s 7 are each amended to read as follows:

(1) The commission shall prior to each election, in sufficient time to satisfy the requirements of RCW 15.44.033, furnish the director with a list of all producers within the district for which the election is being held. The commission shall require each dealer and shipper in addition to the information required under RCW 15.44.110 to furnish the commission with a list of names of producers whose milk they handle.

(2) Any producer may on his or her own motion file his or her name with the commission for the purpose of receiving notice of election.

(3) It is the responsibility of each producer to ensure that his or her correct address is filed with the commission.

(4) For all purposes of giving notice, holding referenda, and electing members of the commission, the applicable list of producers corrected up to the day preceding the date the list is certified and mailed to the director is deemed to be the list of all producers or handlers, as applicable, entitled to notice or to vote. The list shall be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

NEW SECTION. Sec. 91. A new section is added to chapter 15.44 RCW to read as follows:

(1) The commission shall reimburse the director for necessary costs for services conducted on behalf of the commission under this chapter.

(2) The commission may enter into an agreement with the director to administer this chapter or chapter 34.05 RCW.

Sec. 92. RCW 15.44.038 and 1984 c 287 s 15 are each amended to read as follows:

(1) A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission.

(2) Each member shall be compensated in accordance with RCW 43.03.230 (~~and~~). Each member or employee shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter as defined by the commission in rule. Otherwise, if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

Sec. 93. RCW 15.44.060 and 1999 c 300 s 1 are each amended to read as follows:

The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research designed to improve milk production, quality, transportation, processing, and distribution and to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such (~~advertising~~) contracts and other agreements as are necessary to build demand and promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state;

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets; (~~and~~)

(10) Participate in federal and state agency hearings, meetings, and other proceedings relating to the regulation of the production, manufacture, distribution, sale, or use of dairy products, to provide

educational meetings and seminars for the dairy industry on such matters, and to expend commission funds for such activities;

(11) Retain the services of private legal counsel to conduct legal actions, on behalf of the commission. The retention of a private attorney is subject to the review of the office of the attorney general;

(12) Work cooperatively with other local, state, and federal agencies, universities, and national organizations for the purposes of this chapter;

(13) Accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes of this chapter;

(14) Engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized by this chapter;

(15) Expend funds for commodity-related education, training, and leadership programs as the commission deems appropriate; and

(16) Work cooperatively with nonprofit and other organizations to carry out the purposes of this chapter.

Sec. 94. RCW 15.44.070 and 1975 1st ex.s. c 7 s 39 are each amended to read as follows:

(1) Every rule(~~(, regulation,)~~) or order made by the commission shall be filed with the director and published in two legal newspapers, one east and one west of the Cascade mountains (~~(and one west thereof)~~), within ten days after it is (~~(promulgated)~~) adopted, and (~~(shall become)~~) is effective (~~(pursuant to the provisions of)~~) as set forth under RCW 34.05.380.

(2) Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310, the provisions of chapter 19.85 RCW, the regulatory fairness act, and the provisions of RCW 43.135.055 when adoption of the rule is determined by a referendum vote of the affected parties.

Sec. 95. RCW 15.44.080 and 1985 c 261 s 18 are each amended to read as follows:

(1) There is hereby levied upon all milk produced in this state an assessment of (~~(0.6%)~~):

(a) 0.75 percent of class I price for 3.5(~~(%)~~) percent butter fat milk as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; (~~and~~) or

(b) While the federal dairy and tobacco adjustment act of 1983, Title I, Subtitle B-dairy promotion program, is in effect:

(i) An assessment rate not to exceed the rate approved at the most recent referendum that would achieve a ten cent per hundredweight credit to local, state, or regional promotion organizations provided by Title I, Subtitle B of the federal dairy and tobacco adjustment act of 1983; and

(ii) An additional assessment of 0.625 of one cent per hundredweight.

(2) Subject to approval by a producer referendum as provided in this section, the commission shall have the further power and duty to increase the amount of the maximum authorized assessment rate to be levied upon either milk or cream according to the necessities required to effectuate the stated purpose of the commission.

In determining such necessities, the commission shall consider one or more of the following:

(a) The necessities of(~~(-)~~):

(i) Developing better and more efficient methods of marketing milk and related dairy products;

(ii) Aiding dairy producers in preventing economic waste in the marketing of their commodities;

(iii) Developing and engaging in research for developing better and more efficient production, marketing, and utilization of agricultural products;

(iv) Establishing orderly marketing of dairy products;

(v) Providing for uniform grading and proper preparation of dairy products for market;

(vi) Providing methods and means including but not limited to public relations and promotion, for the maintenance of present markets, for development of new or larger markets, both domestic and foreign, for dairy products produced within this state, and for the prevention, modification, or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(vii) Restoring and maintaining adequate purchasing power for dairy producers of this state;
and

(viii) Protecting the interest of consumers by assuring a sufficient pure and wholesome supply of milk and cream of good quality;

(b) The extent and probable cost of required research and market promotion and advertising;

(c) The extent of public convenience, interest, and necessity; and

(d) The probable revenue from the assessment as a consequence of its being revised.

(3)(a) This section shall apply where milk or cream is marketed either in bulk or package.

However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

(b) The increase in the maximum authorized assessment rate to be charged producers on milk and cream provided for in this section shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in the maximum authorized assessment rate provided for in this section shall be by secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts ~~((said))~~ the ballots.

Sec. 96. RCW 15.44.085 and 1979 ex.s. c 238 s 5 are each amended to read as follows:

There is hereby levied on every hundredweight of class I or class II milk, as defined in RCW 15.44.087, sold by a dealer, including any milk sold by a producer who acts as a dealer, an assessment of:

(1) Five-eighths of one cent per hundredweight. Such assessment shall be in addition to the producer assessment paid by any producer who also acts as a dealer.

(2) Any additional assessment, within the power and duty of the commission to levy, such that the total assessment shall not exceed one cent per hundredweight, as required to effectuate the purpose of this section.

Such assessment may be increased by approval of dealers and producers who also act as dealers, subject to the standards set forth in chapter 15.44 RCW for increasing or decreasing assessments. The funds derived from such assessment shall be used for educational programs ~~((in institutions of learning))~~ and the sum of such funds derived annually from said dealers and producers who act as dealers shall be matched by assessments derived from producers for the purpose of funding ~~((said))~~ the educational purposes ~~((in institutions of learning))~~ by an amount not less than the moneys collected from dealers and producers who act as dealers.

Sec. 97. RCW 15.44.110 and 1961 c 11 s 15.44.110 are each amended to read as follows:

(1) Each dealer and shipper shall at such times as by rule ~~((or regulation))~~ required~~((r))~~ file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, delivered, and shipped, and the quantity of all milk and cream delivered to or purchased by such person from the various producers of dairy products or their agents in the state during the period or periods prescribed by the commission.

(2) The commission has the authority to issue subpoenas for the production of books, records, documents, and other writings of any kind and may issue subpoenas to witnesses to give testimony.

Sec. 98. RCW 15.44.140 and 1961 c 11 s 15.44.140 are each amended to read as follows:

(1) The commission through its agents may inspect the premises and records of any carrier, handler, dealer, manufacturer, processor, or distributor of dairy products for the purpose of enforcing this chapter.

(2) The commission has the authority to issue subpoenas for the production of books, records, documents, and other writings of any kind for any carrier, handler, dealer, manufacturer, processor, or distributor of dairy products for the purpose of enforcing this chapter.

NEW SECTION. **Sec. 99.** A new section is added to chapter 15.44 RCW to read as follows:

The commission is authorized to adopt rules governing promotional hosting expenditures by commission employees, agents, or board members under RCW 15.04.200.

NEW SECTION. Sec. 100. A new section is added to chapter 15.44 RCW to read as follows:

The commission may establish foundations using commission funds as grant money when the foundation benefits the dairy products industry. Commission funds may only be used for the purposes authorized in this chapter.

NEW SECTION. Sec. 101. A new section is added to chapter 15.44 RCW to read as follows:

Any board member of the commission may be a member or officer of an association that has the same objectives for which the commission was formed. The commission may contract with the association for services necessary to carry out any purposes authorized under this chapter if an appropriate written contract has been entered into.

Sec. 102. RCW 15.44.150 and 1961 c 11 s 15.44.150 are each amended to read as follows:

~~((The state shall not be liable for the acts or on the contracts of the commission, nor shall any member or employee of the commission be liable on its contracts.))~~ Any action by the commission administrator, member, employee, or agent thereof pertaining to the performance or nonperformance or misperformance of any matters or things authorized, required, or permitted by this chapter, and any other liabilities, debts, or claims against the commission shall be enforced in the same manner as if the commission were a corporation. Liability for the debts or actions of the commission's administrator, member, employee, or agent incurred in their official capacity under this chapter does not exist either against the administrator, members, employees, and agents in their individual capacity or the state of Washington. The administrator, its members, and its agents and employees are not responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime.

All persons employed or contracting under this chapter shall be limited to, and all salaries, expenses, and liabilities incurred by the commission shall be payable only from the funds collected ~~((hereunder))~~ under this chapter.

NEW SECTION. Sec. 103. A new section is added to chapter 15.28 RCW to read as follows:

The history, economy, culture, and the future of Washington state's agriculture involves the production of soft tree fruits. In order to develop and promote Washington's soft tree fruits as part of an existing comprehensive regulatory scheme the legislature declares:

- (1) That the Washington state fruit commission is created;
- (2) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its soft tree fruits be properly promoted by (a) enabling the soft tree fruit industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered cooperative marketing, grading, and standardizing of soft tree fruits they produce; and (b) working to stabilize the soft tree fruit industry by increasing consumption of soft tree fruits within the state, the nation, and internationally;
- (3) That producers of soft tree fruits operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the producers of soft tree fruits in their ability to compete in local, domestic, and foreign markets;
- (4) That it is in the overriding public interest that support for the soft tree fruit industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and operations, and that soft tree fruits be promoted individually, and as part of a comprehensive industry to:
 - (a) Enhance the reputation and image of Washington state's agriculture industry;
 - (b) Increase the sale and use of Washington state's soft tree fruits in local, domestic, and foreign markets;

- (c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's soft tree fruits;
- (d) Increase the knowledge of the health-giving qualities and dietetic value of soft tree fruits;
- (e) Support and engage in cooperative programs or activities that benefit the production, handling, processing, marketing, and uses of soft tree fruits produced in Washington state;
- (5) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state and to stabilize and protect the soft tree fruit industry of the state; and
- (6) That the production and marketing of soft tree fruit is a highly regulated industry and that the provisions of this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the soft tree fruit industry include:
 - (a) The federal marketing order under 7 C.F.R. Part 922 (apricots);
 - (b) The federal marketing order under 7 C.F.R. Part 923 (sweet cherries);
 - (c) The federal marketing order under 7 C.F.R. Part 924 (prunes);
 - (d) The federal marketing order under 7 C.F.R. Part 930 (tart cherries);
 - (e) The federal marketing order under 7 C.F.R. Part 931 (Bartlett pears);
 - (f) Tree fruit research act under chapter 15.26 RCW;
 - (g) Controlled atmosphere storage of fruits and vegetables under chapter 15.30 RCW;
 - (h) Organic food products act under chapter 15.86 RCW;
 - (i) Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;
 - (j) Washington food processing act under chapter 69.07 RCW;
 - (k) Washington food storage warehouses act under chapter 69.10 RCW;
 - (l) Weighmasters under chapter 15.80 RCW;
 - (m) Horticultural pests and diseases under chapter 15.08 RCW;
 - (n) Horticultural plants and facilities - inspection and licensing under chapter 15.13 RCW;
 - (o) Planting stock under chapter 15.14 RCW;
 - (p) Standards of grades and packs under chapter 15.17 RCW;
 - (q) Washington pesticide control act under chapter 15.58 RCW;
 - (r) Farm marketing under chapter 15.64 RCW;
 - (s) Insect pests and plant diseases under chapter 17.24 RCW;
 - (t) Weights and measures under chapter 19.94 RCW;
 - (u) Agricultural products - commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and
 - (v) Rules under the Washington Administrative Code, Title 16.

Sec. 104. RCW 15.28.010 and 1989 c 354 s 27 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him or her, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums, and peaches, which includes all varieties of nectarines. "Bartlett pears" means and includes all standard Bartlett pears and all varieties, strains, subvarieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.

(7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."

(8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;

(9) "Producer" means any person who is a grower of any soft tree fruit;

(10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, and Benton county north of the Yakima river;

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts;

(13) "Mail" or "send" for purposes of any notice relating to rule making, referenda, or elections means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail;

(14) "Department" means the department of agriculture;

(15) "Director" means the director of agriculture.

Sec. 105. RCW 15.28.020 and 1967 c 191 s 1 are each amended to read as follows:

~~((A corporation to be known as the Washington state fruit commission is hereby created,))~~ The commission is composed of sixteen voting members, ((to-wit)) as follows: Ten producers, four dealers, and two processors, who ((shall-be)) are elected and qualified as ((herein)) provided in this chapter. The director ((of agriculture, hereinafter referred to as the director, or his duty)), or an authorized representative, shall be an ex officio member without a vote.

A majority of the voting members ~~((shall))~~ constitute a quorum for the transaction of any business.

Sec. 106. RCW 15.28.110 and 1961 c 11 s 15.28.110 are each amended to read as follows:

The commission's duties are:

(1) To adopt a ~~((corporate))~~ commission seal;

(2) To elect a secretary-manager~~((,-))~~ and a treasurer, and fix their compensation. The same person may be elected to both ~~((of said))~~ offices;

(3) To establish classifications of soft tree fruits;

(4) To conduct scientific research and develop the healthful, therapeutic, and dietetic value of ~~((said))~~ fruits, and promote the general welfare of the soft tree fruit industry of the state;

(5) To conduct a comprehensive advertising and educational campaign to effectuate the objects of this chapter;

(6) To increase the production, and develop and expand the markets, and improve the handling and quality of ~~((said))~~ fruits;

(7) To keep accurate accounts and records of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To investigate and prosecute violations ~~((hereof))~~ of this chapter; and

(9) To serve as an advisory committee to the director with regard to the adoption and enforcement of rules:

(a) Governing the grading, packing, and size and dimensions of commercial containers of soft tree fruits; and

(b) Fixing commercial grades of soft tree fruits and the issuance of certificates of inspection for those fruits.

Sec. 107. RCW 15.28.130 and 1961 c 11 s 15.28.130 are each amended to read as follows:

Neither the state, nor any member, agent, or employee of the commission, ~~((shall-be))~~ is liable for the acts of the commission, or upon its contracts.

All salaries, expenses, costs, obligations, and liabilities of the commission, and claims arising from the administration of this chapter, ~~((shall be))~~ are payable only from funds collected ~~((hereunder))~~ under this chapter.

In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, including any action under chapter 19.86 RCW, proof that the act complained of was done in compliance with the provisions of this chapter, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such an action or proceeding.

Sec. 108. RCW 15.28.250 and 1961 c 11 s 15.28.250 are each amended to read as follows:

Unless the assessment has been paid by the grower and evidence thereof submitted by him or her, the dealer, handler, or processor ~~((shall be))~~ is responsible for the payment of all assessments ~~((hereunder))~~ under this chapter on all soft tree fruits handled, shipped, or processed by him or her but he or she shall charge the same against the grower, who shall be primarily responsible for such payment. Assessments are due upon receipt of an invoice for the assessments.

If the assessment becomes delinquent, the department shall cease to provide inspection services under chapter 15.17 RCW to the delinquent party until that party pays all delinquent assessments, interest, and penalties.

Any assessment due and payable under this section constitutes a personal debt of every person so assessed or who otherwise owes the same. In addition, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons, together with the specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

NEW SECTION. **Sec. 109.** A new section is added to chapter 15.28 RCW to read as follows:

Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310 and the provisions of chapter 19.85 RCW, the regulatory fairness act, when adoption of the rule is determined by a referendum vote of the affected parties.

NEW SECTION. **Sec. 110.** A new section is added to chapter 15.88 RCW to read as follows:

The history, economy, culture, and future of Washington state's agriculture involves the wine industry. In order to develop and promote wine grapes and wine as part of an existing comprehensive scheme to regulate those products the legislature declares:

(1) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its wine grapes and wine be properly promoted by (a) enabling the wine industry to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing of wine grapes and wines they produce; and (b) working to stabilize the wine industry by increasing markets for wine grapes and wine within the state, the nation, and internationally;

(2) That wine grape growers and wine producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the wine grape growers' and wine producers' ability to compete in local, domestic, and foreign markets;

(3) That it is in the overriding public interest that support for the wine industry be clearly expressed; that adequate protection be given to agricultural commodities, uses, activities, and operations; and that wine grapes and wine be promoted individually, and as part of a comprehensive industry to:

(a) Enhance the reputation and image of Washington state's agriculture industry;

(b) Increase the sale and use of wine grapes and wine in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of wine grapes and wine;

(d) Increase the knowledge of the qualities and value of Washington's wine grapes and wine;

and

(e) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of wine grapes and wine;

(4) That this chapter is enacted in the exercise of the police powers of this state for the purpose of protecting the health, peace, safety, and general welfare of the people of this state; and

(5) That the production and marketing of wine grapes and wine is a highly regulated industry and that the provisions of this chapter and the rules adopted under it are only one aspect of the regulated industry. Other regulations and restraints applicable to the wine grape and wine industry include:

- (a) Organic food products act under chapter 15.86 RCW;
- (b) Horticultural pests and diseases under chapter 15.08 RCW;
- (c) Horticultural plants and facilities--inspection and licensing under chapter 15.13 RCW;
- (d) Planting stock under chapter 15.14 RCW;
- (e) Washington pesticide control act under chapter 15.58 RCW;
- (f) Insect pests and plant diseases under chapter 17.24 RCW;
- (g) Wholesale distributors and suppliers of wine and malt beverages under chapter 19.126

RCW;

(h) Weights and measures under chapter 19.94 RCW;

(i) Title 66 RCW, alcoholic beverage control;

(j) Title 69 RCW, food, drugs, cosmetics, and poisons including provisions of 21 C.F.R. relating to the general manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(k) Chapter 69.07 RCW, Washington food processing act;

(l) 27 U.S.C., Secs. 201 through 211, 213 through 219a, and 122A;

(m) 27 C.F.R., Parts 1, 6, 9, 10, 12, 16, 240, 251, 252; and

(n) Rules under Titles 16 and 314 WAC, and rules adopted under chapter 15.88 RCW.

Sec. 111. RCW 15.88.050 and 1987 c 452 s 5 are each amended to read as follows:

The director shall appoint the members of the commission. In making such appointments of the voting members, the director shall take into consideration recommendations made by the growers' association and the wine institute as the persons recommended for appointment as members of the commission. In appointing persons to the commission, the director shall seek to ensure as nearly as possible a balanced representation on the commission which would reflect the composition of the growers and wine producers throughout the state as to number of acres cultivated and amount of wine produced.

The appointment shall be carried out immediately subsequent to July 1, 1987, and members so appointed as set forth in this chapter shall serve for the periods set forth for the original members of the commission under RCW 15.88.040.

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of the position shall immediately be filled by appointment by the director.

Each member or employee of the commission shall be reimbursed for actual travel expenses ~~((in accordance with))~~ incurred in carrying out the provisions of this chapter as defined by the commission in rule. Otherwise if not defined in rule, reimbursement for travel expenses shall be at the rates allowed by RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 112.** A new section is added to chapter 43.23 RCW to read as follows:

The director may consult with each commodity commission established under state law in order to establish or maintain an integrated comprehensive regulatory scheme for each commodity and the agricultural industry in this state as a whole.

Sec. 113. RCW 15.76.150 and 1965 ex.s. c 32 s 2 are each amended to read as follows:

The director shall have the authority to make allocations from the state fair fund, including interest income under RCW 43.79A.040, exclusively as follows: Eighty-five percent to participating agricultural fairs, distributed according to the merit of such fairs measured by a merit rating to be set

up by the director. This merit rating shall take into account such factors as area and population served, open and/or youth participation, attendance, gate receipts, number and type of exhibits, premiums and prizes paid, community support, evidence of successful achievement of the aims and purposes of the fair, extent of improvements made to grounds and facilities from year to year, and overall condition and appearance of grounds and facilities. The remaining fifteen percent of money in the state fair fund may be used for special assistance to any participating fair or fairs and for administrative expenses incurred in the administration of this chapter only, including expenses incurred by the fair commission as may be approved by the director: PROVIDED, That not more than five percent of the state fair fund may be used for such expenses.

The division and payment of funds authorized in this section shall occur at such times as the director may prescribe.

NEW SECTION. Sec. 114. The following acts or parts of acts are each repealed:

- (1) RCW 16.67.020 (Purpose of chapter) and 1969 c 133 s 19;
- (2) RCW 15.44.037 (Reimbursement of election costs) and 1965 ex.s. c 44 s 8;
- (3) RCW 15.44.900 (Purpose of chapter) and 1961 c 11 s 15.44.900; and
- (4) RCW 15.28.900 (Preamble) and 1961 c 11 s 15.28.900.

Sec. 115. RCW 15.24.010 and 1989 c 354 s 53 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington ((state)) apple ((advertising)) commission;
- (2) "Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;
- (3) "Handler" means any person who ships or initiates a shipping operation, whether for himself, herself, or for another;
- (4) "Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;
- (5) "Processor" and "processing plant" means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;
- (6) "Processing apples" means all apples delivered to a processing plant for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article. However, "processing apples" does not include fresh apples sliced or cut for raw consumption;
- (7) "Fresh apples" means all apples other than processing apples;
- (8) "Director" means the director of the department of agriculture or his or her duly authorized representative;
- (9) "Grower district No. 1" includes the counties of Chelan, Okanogan, and Douglas;
- (10) "Grower district No. 2" includes the counties of Kittitas, Yakima, Benton, and Franklin;
- (11) "Grower district No. 3" includes all counties in the state not included in the first and second districts;
- (12) "Dealer district No. 1" includes the area of the state north of Interstate 90;
- (13) "Dealer district No. 2" includes the area of the state south of Interstate 90; and
- (14) "Executive officer" includes, but is not limited to, the principal management executive, sales manager, general manager, or other executive employee of similar responsibility and authority.

Sec. 116. RCW 15.24.020 and 1989 c 354 s 54 are each amended to read as follows:

There is hereby created a Washington ((state)) apple ((advertising)) commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom, either individually or as an executive officer of a corporation, firm or partnership, is and has been actually engaged in growing and producing apples within the state of

Washington for a period of five years, currently operates a commercial producing orchard in the district represented, and has during that period derived a substantial portion of his or her income therefrom: PROVIDED, That he or she may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him or her; and he or she may sell apples grown by himself, herself, and others so long as he or she does not sell a larger quantity of apples grown by others than those grown by himself or herself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state, and are engaged as apple dealers in the district represented. The qualifications of members of the commission as herein set forth must continue during their term of office.

Sec. 117. RCW 15.24.040 and 1989 c 354 s 56 are each amended to read as follows:

The (~~director~~) commission shall call a meeting of apple growers, and meetings of apple dealers in dealer district No. 1 and dealer district No. 2 for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. (~~Said~~) The meetings shall be held not later than February 15th of each year and insofar as practicable, the (~~said~~) meetings of the growers shall be held at the same time and place as the annual meeting of the Washington state horticultural association, or the annual meeting of any other producer organization which represents a majority of the state's apple producers, as determined by the commission, but not while the same is in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: PROVIDED, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the (~~said~~) respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district or within the subdivision if the nomination is made from a subdivision.

The members of the commission shall be elected by secret mail ballot under the supervision of the director: PROVIDED, That in any case where there is but one nomination for a position, a secret mail ballot shall not be conducted or required and the director shall certify the candidate to be elected. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard within the district or subdivision being represented, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator, if otherwise qualified, shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he or she is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

Sec. 118. RCW 15.24.050 and 1984 c 287 s 12 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of the commission.

Each member of the commission shall be compensated in accordance with RCW 43.03.230 and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter.

Employees of the commission may also be reimbursed for actual travel expenses when ~~((out of state))~~ on official commission business.

Sec. 119. RCW 15.24.070 and 1994 c 134 s 1 are each amended to read as follows:

The Washington ~~((state))~~ apple ~~((advertising))~~ commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chair and such other officers as it deems advisable; and to adopt, rescind, and amend rules and orders for the exercise of its powers under this chapter, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter. Expenses may include reasonable, prudent use of promotional hosting to benefit the purposes of this chapter;

(5) To investigate and prosecute violations of this chapter;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and apple products;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation;

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;

(10) To borrow money and incur indebtedness;

(11) To accept gifts, grants, conveyances, bequests, and devises, of real or personal property, or both, in trust or otherwise, and sell, lease, exchange, invest, or expend these donations or the proceeds, rents, profits, and income from the donations except as limited by the donor's terms. The commission shall adopt rules to govern and protect the receipt and expenditure of the proceeds, rents, profits, and income of all such gifts, grants, conveyances, bequests, and devises. The authority to make expenditures granted by this subsection includes the authority to make expenditures to provide scholarships or financial assistance to persons as defined in RCW 1.16.080 or entities associated with the apple industry, but is not limited to the authority to make expenditures for such a purpose; ~~((and))~~

(12) To engage in appropriate fund-raising activities for the purpose of supporting the activities of the commission authorized by this chapter; and

(13) To retain, discharge, or contract with, at its pleasure, accountants, marketing agencies, and other professional consultants as necessary, under procedures for hiring, discharging, and review as adopted by the commission.

Sec. 120. RCW 15.24.080 and 1961 c 11 s 15.24.080 are each amended to read as follows:

In order to benefit the people of this state, the state's economy and its general tax revenues, the commission shall provide for and conduct a comprehensive and extensive research, advertising, and educational campaign as continuous as the crop, sales, and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of the markets, and extent to which public convenience and necessity require research and advertising to be conducted.

Sec. 121. RCW 15.24.085 and 1961 c 11 s 15.24.085 are each amended to read as follows:

The restrictive provisions of chapter 43.78 RCW shall not apply to promotional printing and literature for the Washington ~~((state))~~ apple ~~((advertising))~~ commission, the Washington state fruit commission, or the Washington state dairy products commission.

Sec. 122. RCW 15.24.090 and 1983 c 95 s 1 are each amended to read as follows:

If it appears from investigation by the commission that the revenue from the assessment levied on fresh apples under this chapter is too high or is inadequate to accomplish the purposes of this

chapter, the commission shall adopt a resolution setting forth the necessities of the industry, the extent and probable cost of the required research, market promotion, and advertising, the extent of public convenience, interest, and necessity, and probable revenue from the assessment levied. It shall thereupon decrease or increase the assessment to a sum determined by the commission to be necessary for those purposes based upon a rate per one hundred pounds of apples, gross billing weight, shipped in bulk, container, or any style of package or reasonable equivalent net product assessment as determined by the commission. However, if a different rate is determined for any specific variety or for fresh apples sliced or cut for raw consumption, that different rate must be applied to that variety or those sliced or cut apples. A decrease or an increase becomes effective sixty days after the resolution is adopted or on any other date provided for in the resolution, but shall be first referred by the commission to a referendum mail ballot by the apple growers of this state conducted under the supervision of the director and be approved by a majority of the growers voting on it and also be approved by voting growers who operate more than fifty percent of the acreage voted in the same election. After the mail ballot, if favorable to the increase or decrease, the commission shall nevertheless exercise its independent judgment and discretion as to whether or not to approve the increase or decrease.

Sec. 123. RCW 15.24.100 and 1967 c 240 s 28 are each amended to read as follows:

There is hereby levied upon all fresh apples grown annually in this state, and all apples packed as Washington apples, an assessment of twelve cents on each one hundred pounds gross billing weight or reasonable equivalent net product assessment measurement, as determined by the commission, plus such annual decreases or increases thereof as are imposed pursuant to the provisions of RCW 15.24.090. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

Sec. 124. RCW 15.24.110 and 1967 c 240 s 29 are each amended to read as follows:

The assessments on fresh apples shall be paid, or provision made therefor satisfactory to the commission, prior to shipment, and no fresh apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid or provision made therefor satisfactory to the commission.

The commission shall by rule (~~or regulation~~) prescribe the method of collection, and for that purpose may require stamps to be known as "Washington apple (~~advertising~~) stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. Rule-making procedures conducted under this section are exempt from the provisions of RCW 43.135.055 when adoption of the rule or rules is determined by a referendum vote of the persons taxed under this chapter.

NEW SECTION. **Sec. 125.** A new section is added to chapter 15.24 RCW to read as follows:

Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310 and the provisions of chapter 19.85 RCW, the regulatory fairness act, when the proposed rule is subject to a referendum.

Sec. 126. RCW 15.24.160 and 1961 c 11 s 15.24.160 are each amended to read as follows:

To maintain and complement the existing comprehensive regulatory scheme, the commission may employ, designate as agent, act in concert with, and enter into contracts with any person, council, or commission, including but not limited to the director, state agencies such as the Washington state fruit commission and its successors, statewide horticultural associations, organizations or associations engaged in tracking the movement and marketing of horticultural products, and organizations or associations of horticultural growers, for the purpose of promoting the general welfare of the apple industry and particularly for the purpose of assisting in the sale and distribution of apples in domestic or foreign commerce, and expend its funds or such portion thereof as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of apples in domestic or foreign commerce. For such purposes it may employ and pay for legal counsel and contract and pay

for other professional services. Neither the state, nor any member, agent, or employee of the commission, is liable for the acts of the commission, or upon its contracts. In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, including any action under chapter 19.86 RCW, proof that the act complained of was done in compliance with the provisions of this chapter, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such an action or proceeding.

Sec. 127. RCW 15.24.170 and 1975 1st ex.s. c 7 s 37 are each amended to read as follows:

Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective pursuant to the provisions of RCW (~~(34.05.040)~~) 34.05.380.

Sec. 128. RCW 15.24.800 and 1987 c 6 s 1 are each amended to read as follows:

The legislature hereby finds that, in order to permit the Washington ((state)) apple ((advertising)) commission to accomplish more efficiently its important public purposes, as enumerated in chapter 15.24 RCW, it is necessary for the state to assist in financing a new building for the commission, to be located on Euclid Avenue in Chelan county, and housing commission offices, warehouse space, and a display room. The state's assistance shall augment approximately five hundred thousand dollars in commission funds which will be applied directly to the payment of the costs of this project. The state's assistance shall be in the amount of eight hundred thousand dollars, or so much thereof as may be required, to be provided from the proceeds from the sale and issuance of general obligation bonds of the state, the principal of and interest on which shall be reimbursed to the state treasury by the commission from revenues derived from the assessments levied pursuant to chapter 15.24 RCW and other sources.

Sec. 129. RCW 15.24.802 and 1987 c 6 s 2 are each amended to read as follows:

For the purpose of providing part of the funds necessary for the Washington ((state)) apple ((advertising)) commission to undertake a capital project consisting of the land acquisition for, and the design, construction, furnishing, and equipping of, the building described in RCW 15.24.800, and to pay the administrative costs of such project, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, and other expenses incidental to the administration of such project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight hundred thousand dollars, or so much thereof as may be required.

Sec. 130. RCW 15.24.806 and 1987 c 6 s 4 are each amended to read as follows:

The proceeds from the sale of the bonds authorized in RCW 15.24.802, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the Washington ((state)) apple ((advertising)) commission may direct the state treasurer to deposit therein, shall be deposited in the state building construction account in the state treasury.

Sec. 131. RCW 15.24.808 and 1987 c 6 s 5 are each amended to read as follows:

Subject to legislative appropriation, all proceeds from the sale of the bonds authorized in RCW 15.24.802 shall be administered and expended by the Washington ((state)) apple ((advertising)) commission exclusively for the purposes specified in RCW 15.24.802.

Sec. 132. RCW 15.24.812 and 1987 c 6 s 7 are each amended to read as follows:

On or before June 30 of each year, the state finance committee shall certify to the Washington ((state)) apple ((advertising)) commission the principal and interest payments determined under RCW 15.24.810, exclusive of deposit interest credit, attributable to the bonds issued under RCW 15.24.802. On each date on which any interest or principal and interest payment is due, the commission shall cause the amount certified by the state finance committee to be due on such date to be paid out of the commission's general fund to the state treasurer for deposit into the general fund of the state treasury.

Sec. 133. RCW 15.24.818 and 1987 c 6 s 10 are each amended to read as follows:

The bonds authorized by RCW 15.24.802 shall be issued only after the treasurer of the Washington ((state)) apple ((advertising)) commission has certified that the net proceeds of the bonds, together with all money to be made available by the commission for the purposes described in RCW 15.24.802, shall be sufficient for such purposes; and also that, based upon the treasurer's estimates of future income from assessments levied pursuant to chapter 15.24 RCW and other sources, an adequate balance will be maintained in the commission's general fund to enable the commission to meet the requirements of RCW 15.24.812 during the life of the bonds to be issued.

Sec. 134. RCW 15.24.900 and 1961 c 11 s 15.24.900 are each amended to read as follows:

(1) This chapter is passed:

((4)) (a) In the exercise of the police power of the state to assure, through this chapter, and other chapters, that the apple industry is highly regulated to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state as a vital and integral part of its economy for the benefit of all its citizens;

((2)) (b) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

((3)) (c) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

((4)) (d) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

((5)) (e) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

((6)) (f) Because the stabilizing and promotion of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure and increase the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

((7)) (g) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary; and

((8)) (h) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time to use and consume each variety, and the uses to which each variety should be put.

(2) The history, economy, culture, and future of Washington state's agricultural industry involves the apple industry. In order to develop and promote apples and apple products as part of an existing comprehensive scheme to regulate those products, the legislature declares:

(a) That it is vital to the continued economic well-being of the citizens of this state and their general welfare that its apple and apple products be properly promoted by establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standards of and for apples and apple products; and by working to stabilize the apple industry and by increasing consumption of apples and apple products within the state, nation, and internationally;

(b) That apple producers operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and includes restrictions on marketing autonomy. Those restrictions may impair the agricultural producer's ability to compete in local, domestic, and foreign markets;

(c) That it is in the overriding public interest that support for the apple industry be clearly expressed, that adequate protection be given to agricultural commodities, uses, activities, and

operations, and that apples and apple products be promoted individually, as well as part of a comprehensive promotion of the agricultural industry to:

(i) Enhance the reputation and image of Washington state's agricultural industry;

(ii) Increase the sale and use of apples and apple products in local, domestic, and foreign markets;

(iii) Protect the public and consumers by correcting any false or misleading information and by educating the public in reference to the quality, care, and methods used in the production of apples and apple products, and in reference to the various sizes, grades, and varieties of apples and the uses to which each should be put;

(iv) Increase the knowledge of the health-giving qualities and dietetic value of apple products;

and

(v) Support and engage in programs or activities that benefit the production, handling, processing, marketing, and uses of apples and apple products;

(d) That the apple industry is a highly regulated industry and that this chapter and the rules adopted under it are only one aspect of the regulation of the industry. Other regulations and restraints applicable to the apple industry include:

(i) Washington agriculture general provisions, chapter 15.04 RCW;

(ii) Pests and diseases, chapter 15.08 RCW;

(iii) Standards of grades and packs, chapter 15.17 RCW;

(iv) Tree fruit research, chapter 15.26 RCW;

(v) Controlled atmosphere storage, chapter 15.30 RCW;

(vi) Higher education in agriculture, chapter 28.30 RCW;

(vii) Department of agriculture, chapter 43.23 RCW;

(viii) Fertilizers, minerals, and limes under chapter 15.54 RCW;

(ix) Organic food products act under chapter 15.86 RCW;

(x) Intrastate commerce in food, drugs, and cosmetics under chapter 69.04 RCW and rules;

(xi) Horticultural plants and facilities - inspection and licensing under chapter 15.13 RCW;

(xii) Planting stock under chapter 15.14 RCW;

(xiii) Washington pesticide control act under chapter 15.58 RCW;

(xiv) Farm marketing under chapter 15.64 RCW;

(xv) Insect pests and plant diseases under chapter 17.24 RCW;

(xvi) Weights and measures under chapter 19.94 RCW;

(xvii) Agricultural products - commission merchants, dealers, brokers, buyers, and agents under chapter 20.01 RCW; and

(xviii) The federal insecticide, fungicide, and rodenticide act under 7 U.S.C. Sec. 136; and

(e) That this chapter is in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state.

Sec. 135. RCW 15.26.130 and 1969 c 129 s 13 are each amended to read as follows:

The Washington apple ((advertising)) commission and the Washington state fruit commission shall supply the director with a list of known producers subject to paying assessments to the respective commissions. The director, in addition, shall at the commission's cost compile a list of known tree fruit producers producing fruit not subject to assessments of the Washington apple ((advertising)) commission and the Washington state fruit commission but subject to assessments or becoming subject to assessments under the provisions of this chapter. In compiling such list the director shall publish notice to producers of such tree fruit, requiring them to file with the director a report giving the producer's name, mailing address and orchard location. The notice shall be published once a week for four consecutive weeks in weekly or daily newspapers of general circulation in the area or areas where such tree fruit is produced. All producer reports shall be filed with the director within twenty days from the date of last publication of notice or thirty days of mailing notice to producers of such tree fruit, whichever is later. The director shall for the purpose of conducting any referendum affecting tree fruits subject to the provisions of this chapter keep such list up to date when conducting such referendum. Every person who becomes a producer after ((said)) the list is compiled shall file with the director a similar report, giving his or her name, mailing address and orchard location. Such list shall

be final and conclusive in conducting referendums and failure to notify a producer shall not be cause for the invalidation of any referendum.

Sec. 136. RCW 15.26.250 and 1969 c 129 s 25 are each amended to read as follows:

The Washington apple (~~(advertising)~~) commission and Washington state fruit commission in order to avoid unnecessary duplication of costs and efforts in collecting assessments for tree fruits at the time said commissions collect assessments due under the provisions of their acts may also collect the assessment due the commission on such tree fruit. Such assessments on winter pears may be collected by the Washington state fruit commission or in a manner prescribed by the commission. Assessments collected for the commission by the Washington (~~(state)~~) apple (~~(advertising)~~) commission and the Washington state fruit commission shall be forwarded to the commissions expeditiously. No fee shall be charged the commission for the collection of assessments because the research conducted by the commission shall be of direct benefit to all commercial growers of tree fruits in the state of Washington(~~(- PROVIDED, That)~~). However, the commission shall reimburse at actual cost to the department or the Washington state fruit commission or apple commission any assessment collected for the commission by such agencies for any tree fruit subject to the provisions of this chapter, but not subject to pay assessments to the Washington state fruit commission or the Washington apple (~~(advertising)~~) commission.

NEW SECTION. Sec. 137. (1) The legislature finds that a significant growth in the amount of production for several organically grown agricultural products has occurred since the program began in the mid-1980s and that this growth is continuing. The number of acres that are now in transition from conventionally grown to organically grown agricultural products is significant. The legislature finds that there is interest by those involved in the production and marketing of organic food products to examine the feasibility and preferred method of forming a commission to assist in the promotion of organically grown products in domestic and international markets and to conduct research on improved methods of producing these products.

(2) The department of agriculture shall assist in the evaluation by organic food producers and processors of procedures that could be used to establish an organic food commission. The ability of organic food producers and processors to form a commission under the existing statutory authority in chapters 15.65 and 15.66 RCW as compared to using the procedures proposed in Senate Bill No. 6246 from the 2002 legislative session shall be evaluated.

(3) The department of agriculture shall assist in the collection of information on, and provide a forum to review current programs administered by, commodity commissions that provide benefits to organic food producers and to examine and compile the distinct needs of the organic food industry.

(4) The department of agriculture, within the limits of its currently available funds and after consultation with the organic food industry and existing commodity commissions, shall provide recommendations to the legislature by December 15, 2002, regarding legislation for the establishment of an organic food commission, and a method to fairly and equitably provide funding of commission programs.

(5) This section expires April 15, 2003.

NEW SECTION. Sec. 138. A new section is added to chapter 15.65 RCW to read as follows:

In order to ensure a viable and stable hop industry within the state of Washington and to further the policies set forth in RCW 15.65.040(2) (d) and (f), the legislature specifically recognizes that the hop commodity board has the power to enter into contracts, at its discretion, with individual producers of hops to set aside or remove from production existing planted hop acreage until such time as the need to contract with individual producers of hops is eliminated based on the adoption of a federal marketing order. This section does not limit the director's duty under RCW 15.65.600.

NEW SECTION. Sec. 139. This act takes effect July 1, 2002, except for sections 1, 15, 17, 29, 30, 39, 45, 57, 58, 137, and 138 of this act which are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 1 of the title, after "commissions;" strike the remainder of the title and insert "amending RCW 15.65.020, 15.65.040, 15.65.050, 15.65.060, 15.65.070, 15.65.090, 15.65.120, 15.65.170, 15.65.180, 15.65.200, 15.65.220, 15.65.230, 15.65.235, 15.65.240, 15.65.250, 15.65.260, 15.65.270, 15.65.280, 15.65.375, 15.65.380, 15.65.430, 15.65.450, 15.65.570, 15.66.010, 15.66.030, 15.66.050, 15.66.060, 15.66.070, 15.66.090, 15.66.110, 15.66.120, 15.66.130, 15.66.140, 15.66.180, 15.66.185, 15.66.245, 15.66.260, 42.17.31907, 16.67.030, 16.67.070, 16.67.090, 16.67.120, 16.67.122, 15.44.010, 15.44.020, 15.44.035, 15.44.038, 15.44.060, 15.44.070, 15.44.080, 15.44.085, 15.44.110, 15.44.140, 15.44.150, 15.28.010, 15.28.020, 15.28.110, 15.28.130, 15.28.250, 15.88.050, 15.76.150, 15.24.010, 15.24.020, 15.24.040, 15.24.050, 15.24.070, 15.24.080, 15.24.085, 15.24.090, 15.24.100, 15.24.110, 15.24.160, 15.24.170, 15.24.800, 15.24.802, 15.24.806, 15.24.808, 15.24.812, 15.24.818, 15.24.900, 15.26.130, and 15.26.250; adding new sections to chapter 15.65 RCW; adding new sections to chapter 15.66 RCW; adding new sections to chapter 15.26 RCW; adding new sections to chapter 15.28 RCW; adding new sections to chapter 15.44 RCW; adding new sections to chapter 15.88 RCW; adding new sections to chapter 16.67 RCW; adding new sections to chapter 15.24 RCW; adding new sections to chapter 43.23 RCW; adding a new section to chapter 15.88 RCW; creating a new section; repealing RCW 15.65.030, 15.65.080, 15.65.460, 15.65.405, 15.66.020, 16.67.020, 15.44.037, 15.44.900, and 15.28.900; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2688 and advanced the bill as amended by the Senate to final passage.

Representatives Linville and Schoesler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2688 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Engrossed Substitute House Bill No. 2688, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2765, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.34.020 and 2001 c 249 s 12 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(i) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Parcels of land described in (b)(i) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(ii) and (c)(ii) of this subsection;

(d) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or

(e) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or

residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. ~~((A timber management plan shall be filed with the county legislative authority at the time (a) an application is made for classification as timber land pursuant to this chapter or (b) when a sale or transfer of timber land occurs and a notice of classification continuance is signed.))~~ Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

Sec. 2. RCW 84.34.041 and 1992 c 69 s 20 are each amended to read as follows:

An application for current use classification or reclassification under RCW 84.34.020(3) shall be made to the county legislative authority.

(1) The application shall be made upon forms prepared by the department of revenue and supplied by the granting authority and shall include the following elements that constitute a timber management plan:

(a) A legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified as timber land;

(b) The date or dates of acquisition of the land;

(c) A brief description of the timber on the land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for the land;

(e) If so, the nature and extent of implementation of the plan;

(f) Whether the land is used for grazing;

(g) Whether the land has been subdivided or a plat filed with respect to the land;

(h) Whether the land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(i) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(j) Whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

(2) An application made for classification of land under RCW 84.34.020(3) shall be acted upon after a public hearing and after notice of the hearing is given by one publication in a newspaper of general circulation in the area at least ten days before the hearing. Application for classification of land in an incorporated area shall be acted upon by a granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

(3) The granting authority shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain a stand of timber as defined in chapter 76.09 RCW and applicable rules, except this reason shall not alone be sufficient to deny the application (i) if the land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or the longer period necessitated by unavailability of seed or ~~((seedings [seedlings]))~~ seedlings, or (ii) if only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions;

(b) The applicant, with respect to the land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(4) The timber management plan must be filed with the county legislative authority either: (a) When an application for classification under this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter or from designated forest land is received. The application for reclassification shall be accepted, but shall not be processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied.

If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

The granting authority may approve the application with respect to only part of the land that is described in the application, and if any part of the application is denied, the applicant may withdraw the entire application. The granting authority, in approving in part or whole an application for land classified pursuant to RCW 84.34.020(3), may also require that certain conditions be met.

Granting or denial of an application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions. The granting authority may not require the granting of easements for land classified pursuant to RCW 84.34.020(3).

The granting authority shall approve or disapprove an application made under this section within six months following the date the application is received."

On page 1, line 1 of the title, after "lands;" strike the remainder of the title and insert "and amending RCW 84.34.020 and 84.34.041."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2765 and advanced the bill as amended by the Senate to final passage.

Representatives Doumit and Orcutt spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2765 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2765, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2768, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The department of social and health services shall review all legislatively imposed requirements for the department to submit reports to the legislature and recommend the continuance or elimination of the required reports. The department shall develop criteria to assess the required reports. The criteria shall include, but are not limited to, the cost of preparation and the relevance to departmental needs for management information. The department shall submit a report to the appropriate committees of the legislature on the criteria, the review process, and the recommendations by December 1, 2002.

(2) This section expires December 31, 2002."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2768 and advanced the bill as amended by the Senate to final passage.

Representative Orcutt spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2768 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

House Bill No. 2768, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2841, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.80.390 and 1985 c 370 s 10 are each amended to read as follows:

The board shall consist of (~~nine~~) ten members, one of whom shall be a student, who are representative of the public, including women and the racial minority community. All members shall be appointed at large by the governor and approved by the senate. The governor shall appoint the chair, who shall serve at the governor's pleasure.

Sec. 2. RCW 28B.80.400 and 1985 c 370 s 11 are each amended to read as follows:

The members of the board, except the chair and the student member, shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, two shall be appointed to two-year terms, three shall be appointed to three-year terms, and three shall be appointed to four-year terms. The student member shall hold his or her office for a term of one year from the first day of July."

On page 1, line 2 of the title, after "board;" strike the remainder of the title and insert "and amending RCW 28B.80.390 and 28B.80.400."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2841 and advanced the bill as amended by the Senate to final passage.

Representatives Chase and Cox spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2841 and the bill passed the House by the following vote: Yeas - 90, Nays - 4, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway,

Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Bush, Chandler, Lisk, and Mulliken - 4.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Engrossed House Bill No. 2841, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2893, with the following amendment(s):

On page 3, line 13, after "situated" strike "equipment" and insert "dealer"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2893 and advanced the bill as amended by the Senate to final passage.

Representative Clements spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2893 and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 94.

Excused: Representatives Armstrong, McMorris, Mielke, and Schindler - 4.

Substitute House Bill No. 2893, as amended by the Senate having received the constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1460,
SECOND SUBSTITUTE HOUSE BILL NO. 1477,
HOUSE BILL NO. 2284,
HOUSE BILL NO. 2285,
SUBSTITUTE HOUSE BILL NO. 2315,
HOUSE BILL NO. 2317,
HOUSE BILL NO. 2320,
HOUSE BILL NO. 2345,
HOUSE BILL NO. 2365,
HOUSE BILL NO. 2397,
SUBSTITUTE HOUSE BILL NO. 2435,
HOUSE BILL NO. 2438,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2470,
HOUSE BILL NO. 2526,
HOUSE BILL NO. 2527,
HOUSE BILL NO. 2639,
SUBSTITUTE HOUSE BILL NO. 2648,
SUBSTITUTE HOUSE BILL NO. 2834,
HOUSE JOINT RESOLUTION NO. 4220,

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

There being no objection, the House adjourned until 9:00 a.m., March 11, 2002, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTY FIFTH DAY, MARCH 9, 2002

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

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 11, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Daniel Roman-Brown and Katy Fritz. The Speaker (Representative Ogden) led the Chamber in the Pledge of Allegiance. Prayer was offered by Dr. Dennis Magnuson, United Methodist Church, Bainbridge Island.

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

MESSAGES FROM THE SENATE

March 7, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5400,
SENATE BILL NO. 5513,
SENATE BILL NO. 5594,
SENATE BILL NO. 6698,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6060,
SENATE BILL NO. 6292,
SUBSTITUTE SENATE BILL NO. 6342,
SENATE BILL NO. 6379,
SENATE BILL NO. 6381,
SENATE BILL NO. 6416,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6464,
ENGROSSED SENATE BILL NO. 6675,
ENGROSSED SENATE BILL NO. 6713,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1005,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1144,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1460,
SECOND SUBSTITUTE HOUSE BILL NO. 1477,
HOUSE BILL NO. 2284,
HOUSE BILL NO. 2285,
SUBSTITUTE HOUSE BILL NO. 2315,
HOUSE BILL NO. 2317,
HOUSE BILL NO. 2320,
HOUSE BILL NO. 2345,
HOUSE BILL NO. 2365,
HOUSE BILL NO. 2397,
HOUSE BILL NO. 2435,
HOUSE BILL NO. 2526,
HOUSE BILL NO. 2527,
HOUSE BILL NO. 2639,
SUBSTITUTE HOUSE BILL NO. 2648,
SUBSTITUTE HOUSE BILL NO. 2834,
HOUSE JOINT RESOLUTION NO. 4220,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,
SENATE BILL NO. 6828,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 9, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6588,
SUBSTITUTE SENATE BILL NO. 6658,

and the same are herewith transmitted.

Tony M. Cook, Secretary

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

INTRODUCTION & FIRST READING

HCR 4427 by Representative Kessler

Making exceptions to cutoff dates.

There being no objection, House Concurrent Resolution No. 4427 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4427, by Representative Kessler

Making exceptions to cutoff dates.

The concurrent resolution was read the second time.

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

Representative Kessler spoke in favor of adoption of the concurrent resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4427.

House Concurrent Resolution No. 4427 was declared adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2380, with the following amendments:

On page 2, after line 34, insert the following:

"**Sec. 2.** RCW 13.40.040 and 1999 c 167 s 2 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order; and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself; or

(iii) The juvenile is a threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Notwithstanding subsection (2) of this section, and within available funds, a juvenile who has been found guilty of one of the following offenses shall be detained pending disposition: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); rape of a child in the first, second, or third degree (RCW 9A.44.073, 9A.44.076, and 9A.44.079); or child molestation in the first, second, or third degree (RCW 9A.44.083, 9A.44.086, and 9A.44.089).

(4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

~~((4))~~ (5) Except as provided in RCW 9.41.280, a juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such

an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "to" strike all material through "72.01.410;" on line 2, and insert "children offenders; amending RCW 72.01.410 and 13.40.040;"

There being no objection, the House refused to concur in the Senate Amendment to House Bill No. 2380 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1411, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.105D.010 and 1994 c 254 s 1 are each amended to read as follows:

(1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of chapter 2, Laws of 1989 is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) It is in the public's interest to efficiently use our finite land base, to integrate our land use planning policies with our clean-up policies, and to clean up and reuse contaminated industrial properties in order to minimize industrial development pressures on undeveloped land and to make clean land available for future social use.

(5) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

(6) Because releases of hazardous substances can adversely affect the health and welfare of the public, the environment, and property values, it is in the public interest that affected communities be

notified of where releases of hazardous substances have occurred and what is being done to clean them up.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105D RCW to read as follows:

(1) Except as provided in subsection (5) of this section, any owner or operator of a facility that is actively transitioning from operating under a federal permit for treatment, storage, or disposal of hazardous waste issued under 42 U.S.C. Sec. 6925 to operating under the provisions of this chapter, who has information that a hazardous substance has been released to the environment at the owner or operator's facility that may be a threat to human health or the environment, shall issue a notice to the department within ninety days. The notice shall include a description of any remedial actions planned, completed, or underway.

(2) The notice must be posted in a visible, publicly accessible location on the facility, to remain in place until all remedial actions except confirmational monitoring are complete.

(3) After receiving the notice from the facility, the department must review the notice and mail a summary of its contents, along with any additional information deemed appropriate by the department, to:

(a) Each residence and landowner of a residence whose property boundary is within three hundred feet of the boundary of the property where the release occurred or if the release occurred from a pipeline or other facility that does not have a property boundary, within three hundred feet of the actual release;

(b) Each business and landowner of a business whose property boundary is within three hundred feet of the boundary of the property where the release occurred;

(c) Each residence, landowner of a residence, and business with a property boundary within the area where hazardous substances have come to be located as a result of the release;

(d) Neighborhood associations and community organizations representing an area within one mile of the facility and recognized by the city or county with jurisdiction within this area;

(e) The city, county, and local health district with jurisdiction within the areas described in (a), (b), and (c) of this subsection; and

(f) The department of health.

(4) A notice produced by a facility shall provide the following information:

(a) The common name of any hazardous substances released and, if available, the chemical abstract service registry number of these substances;

(b) The address of the facility where the release occurred;

(c) The date the release was discovered;

(d) The cause and date of the release, if known;

(e) The remedial actions being taken or planned to address the release;

(f) The potential health and environmental effects of the hazardous substances released; and

(g) The name, address, and telephone number of a contact person at the facility where the release occurred.

(5) The following releases are exempt from the notification requirements in this section:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) The lawful and nonnegligent use of hazardous household substances by a natural person for personal or domestic purposes;

(c) The discharge of hazardous substances in compliance with permits issued under chapter 70.94, 90.48, or 90.56 RCW;

(d) De minimis amounts of any hazardous substance leaked or discharged onto the ground;

(e) The discharge of hazardous substances to a permitted waste water treatment facility or from a permitted waste water collection system or treatment facility as allowed by a facility's discharge permit;

(f) Any releases originating from a single-family or multifamily residence, including but not limited to the discharge of oil from a residential home heating oil tank with the capacity of five hundred gallons or less;

(g) Any spill on a public road, street, or highway or to surface waters of the state that has previously been reported to the United States coast guard and the state division of emergency management under chapter 90.56 RCW;

(h) Any release of hazardous substances to the air;

(i) Any release that occurs on agricultural land, including land used to grow trees for the commercial production of wood or wood fiber, that is at least five acres in size, when the effects of the release do not come within three hundred feet of any property boundary. For the purposes of this subsection, agricultural land includes incidental uses that are compatible with agricultural or silvicultural purposes, including, but not limited to, land used for the housing of the owner, operator, or employees, structures used for the storage or repair of equipment, machinery, and chemicals, and any paths or roads on the land; and

(j) Releases that, before the effective date of this section, have been previously reported to the department, or remediated in compliance with a settlement agreement under RCW 70.105D.040(4) or enforcement order or agreed order issued under this chapter or have been the subject of an opinion from the department under RCW 70.105D.030(1)(i) that no further remedial action is required.

An exemption from the notification requirements of this section does not exempt the owner or operator of a facility from any other notification or reporting requirements, or imply a release from liability under this chapter.

(6) If a significant segment of the community to be notified speaks a language other than English, an appropriate translation of the notice must also be posted and mailed to the department in accordance with the requirements of this section.

(7) The facility where the release occurred is responsible for reimbursing the department within thirty days for the actual costs associated with the production and mailing of the notices under this section.

Sec. 3. RCW 70.105D.030 and 2001 c 291 s 401 are each amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(7) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in section 2 of this act, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(12)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(7) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-

year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

Sec. 4. RCW 70.105D.050 and 1994 c 257 s 12 are each amended to read as follows:

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with section 2 of this act or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act take effect January 1, 2003."

On page 1, line 2 of the title, after "substances;" strike the remainder of the title and insert "amending RCW 70.105D.010, 70.105D.030, and 70.105D.050; adding a new section to chapter 70.105D RCW; and providing an effective date."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1411 and advanced the bill as amended by the Senate to final passage.

MOTIONS

On motion of Representative Santos, Representatives Edwards, Morris and Quall were excused. On motion of Representative Woods, Representatives Schmidt and Lisk were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1411 as amended by the Senate and the bill passed the House by the following vote: Yeas - 93, Nays - 0, Absent - 0, Excused - 5.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 93.

Excused: Representatives Edwards, Lisk, Morris, Quall and Schmidt - 5.

Engrossed Substitute House Bill No. 1411 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 1411.
JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1938, with the following amendment:

On page 4, beginning on line 28, after "(m)" strike all material through "enterprise." on line 32, and insert "The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1938 and advanced the bill as amended by the Senate to final passage.

Representatives O'Brien and Pearson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1938 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville,

Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall and Schmidt - 4.

Second Substitute House Bill No. 1938 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 1938.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224, with the following amendment:

On page 1, beginning on line 6, strike all of subsection (1) and insert the following:
"(1) "Communications equipment" means handsets, pagers, personal digital assistants, portable computers, automatic answering devices, batteries, and their accessories or other devices used to originate or receive communications signals or service approved for coverage by rule of the commissioner, and also includes services related to the use of the devices."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2224 and advanced the bill as amended by the Senate to final passage.

Representative Cooper spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2224 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall and Schmidt - 4.

Engrossed Substitute House Bill No. 2224 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2224.
JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305, with the following amendment:

On page 1, line 19, after "chapter" insert ", and shall not affect any other authority of local governments"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2305 and advanced the bill as amended by the Senate to final passage.

Representatives Hatfield, Mulliken and Dunshee spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2305 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall and Schmidt - 4.

Engrossed Substitute House Bill No. 2305 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2305.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2346, with the following amendment:

Strike everything after the enacting clause and insert the following:

**"ARTICLE 1
GENERAL PROVISIONS**

NEW SECTION. Sec. 101. SHORT TITLE. This act may be known and cited as the uniform parentage act.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acknowledged father" means a man who has established a father-child relationship under sections 301 through 316 of this act.

(2) "Adjudicated father" means a man who has been adjudicated by a court of competent jurisdiction to be the father of a child.

(3) "Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include:

(a) A presumed father;

(b) A man whose parental rights have been terminated or declared not to exist; or

(c) A male donor.

(4) "Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:

(a) Intrauterine insemination;

(b) Donation of eggs;

(c) Donation of embryos;

(d) In vitro fertilization and transfer of embryos; and

(e) Intracytoplasmic sperm injection.

(5) "Child" means an individual of any age whose parentage may be determined under this chapter.

(6) "Commence" means to file the petition seeking an adjudication of parentage in a superior court of this state or to serve a summons and the petition.

(7) "Determination of parentage" means the establishment of the parent-child relationship by the signing of a valid acknowledgment of paternity under sections 301 through 316 of this act or adjudication by the court.

(8) "Donor" means an individual who produces eggs or sperm used for assisted reproduction, whether or not for consideration. The term does not include:

(a) A husband who provides sperm, or a wife who provides eggs, to be used for assisted reproduction by the wife; or

(b) A woman who gives birth to a child by means of assisted reproduction, except as otherwise provided in RCW 26.26.210 through 26.26.260 or section 608 of this act.

(9) "Ethnic or racial group" means, for purposes of genetic testing, a recognized group that an individual identifies as all or part of his or her ancestry or that is so identified by other information.

(10) "Genetic testing" means an analysis of genetic markers only to exclude or identify a man as the father or a woman as the mother of a child. The term includes an analysis of one or a combination of the following:

(a) Deoxyribonucleic acid; and

(b) Blood-group antigens, red-cell antigens, human-leukocyte antigens, serum enzymes, serum proteins, or red-cell enzymes.

(11) "Man" means a male individual of any age.

(12) "Parent" means an individual who has established a parent-child relationship under section 201 of this act.

(13) "Parent-child relationship" means the legal relationship between a child and a parent of the child. The term includes the mother-child relationship and the father-child relationship.

(14) "Paternity index" means the likelihood of paternity calculated by computing the ratio between:

(a) The likelihood that the tested man is the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is the father of the child; and

(b) The likelihood that the tested man is not the father, based on the genetic markers of the tested man, mother, and child, conditioned on the hypothesis that the tested man is not the father of the child and that the father is from the same ethnic or racial group as the tested man.

(15) "Presumed father" means a man who, under section 204 of this act, is recognized to be the father of a child until that status is rebutted or confirmed in a judicial proceeding.

(16) "Probability of paternity" means the measure, for the ethnic or racial group to which the alleged father belongs, of the probability that the individual in question is the father of the child, compared with a random, unrelated man of the same ethnic or racial group, expressed as a percentage incorporating the paternity index and a prior probability.

(17) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(18) "Signatory" means an individual who authenticates a record and is bound by its terms.

(19) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, any territory or insular possession subject to the jurisdiction of the United States, or an Indian tribe or band, or Alaskan native village, that is recognized by federal law or formally acknowledged by state law.

(20) "Support enforcement agency" means a public official or agency authorized to seek:

(a) Enforcement of support orders or laws relating to the duty of support;

(b) Establishment or modification of child support;

(c) Determination of parentage; or

(d) Location of child support obligors and their income and assets.

NEW SECTION. Sec. 103. SCOPE OF ACT--CHOICE OF LAW. (1) This chapter governs every determination of parentage in this state.

(2) The court shall apply the law of this state to adjudicate the parent-child relationship. The applicable law does not depend on:

(a) The place of birth of the child; or

(b) The past or present residence of the child.

(3) This chapter does not create, enlarge, or diminish parental rights or duties under other law of this state.

(4) If a birth results under a surrogate parentage contract that is unenforceable under the law of this state, the parent-child relationship is determined as provided in sections 201 through 204 of this act.

NEW SECTION. Sec. 104. COURT OF THIS STATE. The superior courts of this state are authorized to adjudicate parentage under this chapter.

NEW SECTION. Sec. 105. PROTECTION OF PARTICIPANTS. Proceedings under this chapter are subject to other law of this state governing the health, safety, privacy, and liberty of a child or other individuals that could be jeopardized by disclosure of identifying information, including the address, telephone number, place of employment, social security number, and the child's day-care facility and school.

NEW SECTION. Sec. 106. DETERMINATION OF MATERNITY. The provisions relating to determination of paternity may be applied to a determination of maternity.

ARTICLE 2 PARENT-CHILD RELATIONSHIP

NEW SECTION. Sec. 201. ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP.

(1) The mother-child relationship is established between a child and a woman by:

(a) The woman's having given birth to the child, except as otherwise provided in RCW 26.26.210 through 26.26.260;

(b) An adjudication of the woman's maternity;

(c) Adoption of the child by the woman;

(d) A valid surrogate parentage contract, under which the mother is an intended parent of the child, as provided in RCW 26.26.210 through 26.26.260; or

(e) An affidavit and physician's certificate in a form prescribed by the department of health wherein the donor of ovum or surrogate gestation carrier sets forth her intent to be legally bound as the parent of a child or children born through alternative reproductive medical technology by filing the affidavit and physician's certificate with the registrar of vital statistics within ten days after the date of the child's birth pursuant to section 608 of this act.

(2) The father-child relationship is established between a child and a man by:

(a) An un rebutted presumption of the man's paternity of the child under section 204 of this act;

(b) The man's having signed an acknowledgment of paternity under sections 301 through 316 of this act, unless the acknowledgment has been rescinded or successfully challenged;

(c) An adjudication of the man's paternity;

(d) Adoption of the child by the man;

(e) The man's having consented to assisted reproduction by his wife under sections 601 through 607 of this act that resulted in the birth of the child; or

(f) A valid surrogate parentage contract, under which the father is an intended parent of the child, as provided in RCW 26.26.210 through 26.26.260.

NEW SECTION. Sec. 202. NO DISCRIMINATION BASED ON MARITAL STATUS. A child born to parents who are not married to each other has the same rights under the law as a child born to parents who are married to each other.

NEW SECTION. Sec. 203. CONSEQUENCES OF ESTABLISHMENT OF PARENTAGE. Unless parental rights are terminated, the parent-child relationship established under this chapter applies for all purposes, except as otherwise provided by other law of this state.

NEW SECTION. Sec. 204. PRESUMPTION OF PATERNITY IN CONTEXT OF MARRIAGE. (1) A man is presumed to be the father of a child if:

(a) He and the mother of the child are married to each other and the child is born during the marriage;

(b) He and the mother of the child were married to each other and the child is born within three hundred days after the marriage is terminated by death, annulment, dissolution of marriage, legal separation, or declaration of invalidity;

(c) Before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is, or could be, declared invalid and the child is born during the invalid marriage or within three hundred days after its termination by death, annulment, dissolution of marriage, legal separation, or declaration of invalidity; or

(d) After the birth of the child, he and the mother of the child have married each other in apparent compliance with law, whether or not the marriage is, or could be declared invalid, and he voluntarily asserted his paternity of the child, and:

(i) The assertion is in a record filed with the state registrar of vital statistics;

(ii) Agreed to be and is named as the child's father on the child's birth certificate; or

(iii) Promised in a record to support the child as his own.

(2) A presumption of paternity established under this section may be rebutted only by an adjudication under sections 501 through 537 of this act.

ARTICLE 3 VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

NEW SECTION. Sec. 301. ACKNOWLEDGMENT OF PATERNITY. The mother of a child and a man claiming to be the father of the child conceived as the result of his sexual intercourse with the mother may sign an acknowledgment of paternity with intent to establish the man's paternity.

NEW SECTION. Sec. 302. EXECUTION OF ACKNOWLEDGMENT OF PATERNITY.

(1) An acknowledgment of paternity must:

(a) Be in a record;

- (b) Be signed under penalty of perjury by the mother and by the man seeking to establish his paternity;
- (c) State that the child whose paternity is being acknowledged:
 - (i) Does not have a presumed father, or has a presumed father whose full name is stated; and
 - (ii) Does not have another acknowledged or adjudicated father;
- (d) State whether there has been genetic testing and, if so, that the acknowledging man's claim of paternity is consistent with the results of the testing; and
- (e) State that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of paternity of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred after two years.
 - (2) An acknowledgment of paternity is void if it:
 - (a) States that another man is a presumed father, unless a denial of paternity signed by the presumed father is filed with the state registrar of vital statistics;
 - (b) States that another man is an acknowledged or adjudicated father; or
 - (c) Falsely denies the existence of a presumed, acknowledged, or adjudicated father of the child.
 - (3) A presumed father may sign an acknowledgment of paternity.

NEW SECTION. Sec. 303. DENIAL OF PATERNITY. A presumed father of a child may sign a denial of his paternity. The denial is valid only if:

- (1) An acknowledgment of paternity signed by another man is filed under section 305 of this act;
- (2) The denial is in a record, and signed under penalty of perjury; and
- (3) The presumed father has not previously:
 - (a) Acknowledged his paternity, unless the previous acknowledgment has been rescinded under section 307 of this act or successfully challenged under section 308 of this act; or
 - (b) Been adjudicated to be the father of the child.

NEW SECTION. Sec. 304. RULES FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY. (1) An acknowledgment of paternity and a denial of paternity may be contained in a single document or may be signed in counterparts, and may be filed separately or simultaneously.

(2) An acknowledgment of paternity or a denial of paternity may be signed before the birth of the child.

(3) An acknowledgment and denial of paternity, if any, take effect on the birth of the child or the filing of the document with the state registrar of vital statistics, whichever occurs later.

(4) An acknowledgment or denial of paternity signed by a minor is valid if otherwise in compliance with this chapter.

NEW SECTION. Sec. 305. EFFECT OF ACKNOWLEDGMENT OR DENIAL OF PATERNITY. (1) Except as otherwise provided in sections 307 and 308 of this act, a valid acknowledgment of paternity filed with the state registrar of vital statistics is equivalent to an adjudication of paternity of a child and confers upon the acknowledged father all the rights and duties of a parent.

(2) Except as otherwise provided in sections 307 and 308 of this act, a valid denial of paternity filed with the state registrar of vital statistics in conjunction with a valid acknowledgment of paternity is equivalent to an adjudication of the nonpaternity of the presumed father and discharges the presumed father from all of the rights and duties of a parent.

NEW SECTION. Sec. 306. FILING FEE. The state registrar of vital statistics may charge a fee for filing an acknowledgment or denial of paternity.

NEW SECTION. Sec. 307. PROCEEDING FOR RESCISSION. A signatory may rescind an acknowledgment or denial of paternity by commencing a court proceeding to rescind before the earlier of:

(1) Sixty days after the effective date of the filing of the acknowledgment or denial, as provided in section 304 of this act; or

(2) The date of the first hearing in a proceeding to which the signatory is a party before a court to adjudicate an issue relating to the child, including a proceeding that establishes support.

NEW SECTION. Sec. 308. CHALLENGE AFTER EXPIRATION OF TIME FOR RESCISSION. (1) After the period for rescission under section 307 of this act has elapsed, a signatory of an acknowledgment or denial of paternity may commence a proceeding to challenge the acknowledgment or denial only:

(a) On the basis of fraud, duress, or material mistake of fact; and

(b) Within two years after the acknowledgment or denial is filed with the state registrar of vital statistics.

(2) A party challenging an acknowledgment or denial of paternity has the burden of proof.

NEW SECTION. Sec. 309. PROCEDURE FOR RESCISSION OR CHALLENGE. (1) Every signatory to an acknowledgment or denial of paternity must be made a party to a proceeding to rescind or challenge the acknowledgment or denial.

(2) For the purpose of rescission of, or challenge to, an acknowledgment or denial of paternity, a signatory submits to personal jurisdiction of this state by signing the acknowledgment or denial, effective upon the filing of the document with the state registrar of vital statistics.

(3) Except for good cause shown, during the pendency of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court may not suspend the legal responsibilities of a signatory arising from an acknowledgment, including the duty to pay child support.

(4) A proceeding to rescind or to challenge an acknowledgment or denial of paternity must be conducted in the same manner as a proceeding to adjudicate parentage under sections 501 through 537 of this act.

(5) At the conclusion of a proceeding to rescind or challenge an acknowledgment or denial of paternity, the court shall order the state registrar of vital statistics to amend the birth record of the child, if appropriate.

NEW SECTION. Sec. 310. RATIFICATION BARRED. A court or administrative agency conducting a judicial or administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of paternity.

NEW SECTION. Sec. 311. FULL FAITH AND CREDIT. A court of this state shall give full faith and credit to an acknowledgment or denial of paternity effective in another state if the acknowledgment or denial has been signed and is otherwise in compliance with the law of the other state.

NEW SECTION. Sec. 312. FORMS FOR ACKNOWLEDGMENT AND DENIAL OF PATERNITY. (1) To facilitate compliance with sections 301 through 311 of this act, the state registrar of vital statistics shall prescribe forms for the acknowledgment and the denial of paternity. The acknowledgment of paternity shall state, in prominent lettering, that signing the acknowledgment of paternity is equivalent to an adjudication of paternity and confers upon the acknowledged father all the rights and duties of a parent, such as the payment of child support, if the acknowledgment is not challenged or rescinded as prescribed under sections 303 through 309 of this act. The form shall include copies of the provisions in sections 303 through 309 of this act.

(2) A valid acknowledgment or denial of paternity is not affected by a later modification of the prescribed form.

NEW SECTION. Sec. 313. RELEASE OF INFORMATION. The state registrar of vital statistics may release information relating to the acknowledgment or denial of paternity, not expressly sealed under a court order, to: (1) A signatory of the acknowledgment or denial or their attorneys of record; (2) the courts of this or any other state; (3) the agencies of this or any other state operating a

child support program under Title IV-D of the social security act; or (4) the agencies of this or any other state involved in a dependency determination for a child named in the acknowledgment or denial of paternity.

NEW SECTION. Sec. 314. ADOPTION OF RULES. The state registrar of vital statistics may adopt rules to implement sections 301 through 316 of this act.

NEW SECTION. Sec. 315. (1) Sections 301 through 316 of this act apply to all acknowledgments of paternity executed on or after July 1, 1997.

(2) A man who executed an acknowledgment of paternity before July 1, 1997, is rebuttably identified as the father of the child named therein. Any dispute of the parentage, custody, visitation, or support of the child named therein shall be determined in a proceeding to adjudicate the child's parentage commenced under sections 501 through 537 of this act.

NEW SECTION. Sec. 316. (1) After the period for rescission of an acknowledgment of paternity provided in section 307 of this act has passed, a parent executing an acknowledgment of paternity of the child named therein may commence a judicial proceeding for:

(a) Making residential provisions or a parenting plan with regard to the minor child on the same basis as provided in chapter 26.09 RCW; or

(b) Establishing a child support obligation under chapter 26.19 RCW and maintaining health insurance coverage under RCW 26.09.105.

(2) Pursuant to RCW 26.09.010(3), a proceeding authorized by this section shall be entitled "In re the parenting and support of..."

(3) Before the period for a challenge to the acknowledgment or denial of paternity has elapsed under section 308 of this act, the petitioner must specifically allege under penalty of perjury, to the best of the petitioner's knowledge, that: (a) No man other than the man who executed the acknowledgment of paternity is the father of the child; (b) there is not currently pending a proceeding to adjudicate the parentage of the child or that another man is adjudicated the child's father; and (c) the petitioner has provided notice of the proceeding to any other men who have claimed parentage of the child. Should the respondent or any other person appearing in the action deny the allegations, a permanent parenting plan or residential schedule may not be entered for the child without the matter being converted to a proceeding to challenge the acknowledgment of paternity under sections 308 and 309 of this act. A copy of the acknowledgment of paternity must be filed with the petition or response. The court may convert the matter to a proceeding to challenge the acknowledgment on its own motion.

ARTICLE 4 GENETIC TESTING

NEW SECTION. Sec. 401. SCOPE. Sections 402 through 411 of this act govern genetic testing of an individual only to determine parentage, whether the individual:

(1) Voluntarily submits to testing; or

(2) Is tested pursuant to an order of the court or a support enforcement agency.

NEW SECTION. Sec. 402. ORDER FOR TESTING. (1) Except as otherwise provided in this section and sections 403 through 537 of this act, the court shall order the child and other designated individuals to submit to genetic testing if the request for testing is supported by the sworn statement of a party to the proceeding:

(a) Alleging paternity and stating facts establishing a reasonable probability of the requisite sexual contact between the individuals; or

(b) Denying paternity and stating facts establishing a possibility that sexual contact between the individuals, if any, did not result in the conception of the child.

(2) A support enforcement agency may order genetic testing only if there is no presumed, acknowledged, or adjudicated father.

(3) If a request for genetic testing of a child is made before birth, the court or support enforcement agency may not order in utero testing.

(4) If two or more men are subject to court-ordered genetic testing, the testing may be ordered concurrently or sequentially.

NEW SECTION. Sec. 403. REQUIREMENTS FOR GENETIC TESTING. (1) Genetic testing must be of a type reasonably relied upon by experts in the field of genetic testing and performed in a testing laboratory accredited by:

(a) The American association of blood banks, or a successor to its functions;

(b) The American society for histocompatibility and immunogenetics, or a successor to its functions; or

(c) An accrediting body designated by the United States secretary of health and human services.

(2) A specimen used in genetic testing may consist of one or more samples or a combination of samples of blood, buccal cells, bone, hair, or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each individual undergoing genetic testing.

(3) Based on the ethnic or racial group of an individual, the testing laboratory shall determine the data bases from which to select frequencies for use in the calculations. If there is disagreement as to the testing laboratory's choice, the following rules apply:

(a) The individual objecting may require the testing laboratory, within thirty days after receipt of the report of the test, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.

(b) The individual objecting to the testing laboratory's initial choice shall:

(i) If the frequencies are not available to the testing laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(ii) Engage another testing laboratory to perform the calculations.

(c) The testing laboratory may use its own statistical estimate if there is a question regarding which ethnic or racial group is appropriate. If available, the testing laboratory shall calculate the frequencies using statistics for any other ethnic or racial group requested.

(4) If, after recalculation using a different ethnic or racial group, genetic testing does not rebuttably identify a man as the father of a child under section 405 of this act, an individual who has been tested may be required to submit to additional genetic testing.

NEW SECTION. Sec. 404. REPORT OF GENETIC TESTING. (1) The report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report made under the requirements of this section is self-authenticating.

(2) Documentation from the testing laboratory of the following information is sufficient to establish a reliable chain of custody that allows the results of genetic testing to be admissible without testimony:

(a) The names and photographs of the individuals whose specimens have been taken;

(b) The names of the individuals who collected the specimens;

(c) The places and dates the specimens were collected;

(d) The names of the individuals who received the specimens in the testing laboratory; and

(e) The dates the specimens were received.

NEW SECTION. Sec. 405. GENETIC TESTING RESULTS--REBUTTAL. (1) Under this chapter, a man is rebuttably identified as the father of a child if the genetic testing complies with this section and sections 401 through 404 and 406 through 411 of this act and the results disclose that:

- (a) The man has at least a ninety-nine percent probability of paternity, using a prior probability of 0.50, as calculated by using the combined paternity index obtained in the testing; and
 - (b) A combined paternity index of at least one hundred to one.
- (2) A man identified under subsection (1) of this section as the father of the child may rebut the genetic testing results only by other genetic testing satisfying the requirements of this section and sections 401 through 404 and 406 through 411 of this act which:
- (a) Excludes the man as a genetic father of the child; or
 - (b) Identifies another man as the father of the child.
- (3) Except as otherwise provided in section 410 of this act, if more than one man is identified by genetic testing as the possible father of the child, the court shall order them to submit to further genetic testing to identify the genetic father.

NEW SECTION. Sec. 406. COSTS OF GENETIC TESTING. (1) Subject to assessment of costs under sections 501 through 537 of this act, the cost of initial genetic testing must be advanced:

- (a) By a support enforcement agency in a proceeding in which the support enforcement agency is providing services;
 - (b) By the individual who made the request;
 - (c) As agreed by the parties; or
 - (d) As ordered by the court.
- (2) In cases in which the cost is advanced by the support enforcement agency, the agency may seek reimbursement from a man who is rebuttably identified as the father.

NEW SECTION. Sec. 407. ADDITIONAL GENETIC TESTING. The court or the support enforcement agency shall order additional genetic testing upon the request of a party who contests the result of the original testing. If the previous genetic testing identified a man as the father of the child under section 405 of this act, the court or agency may not order additional testing unless the party provides advance payment for the testing.

- NEW SECTION. Sec. 408. GENETIC TESTING WHEN SPECIMEN NOT AVAILABLE.**
- (1) If a genetic testing specimen is not available from a man who may be the father of a child, for good cause and under circumstances the court considers to be just, a court may order the following individuals to submit specimens for genetic testing:
- (a) The parents of the man;
 - (b) Brothers and sisters of the man;
 - (c) Other children of the man and their mothers; and
 - (d) Other relatives of the man necessary to complete genetic testing.
- (2) If a specimen from the mother of a child is not available for genetic testing, the court may order genetic testing to proceed without a specimen from the mother.
- (3) Issuance of an order under this section requires a finding that a need for genetic testing outweighs the legitimate interests of the individual sought to be tested.

NEW SECTION. Sec. 409. DECEASED INDIVIDUAL. For good cause shown, the court may order genetic testing of a deceased individual.

NEW SECTION. Sec. 410. IDENTICAL BROTHERS. (1) The court may order genetic testing of a brother of a man identified as the father of a child if the man is commonly believed to have an identical brother and evidence suggests that the brother may be the genetic father of the child.

(2) If genetic testing excludes none of the brothers as the genetic father, and each brother satisfies the requirements as the identified father of the child under section 405 of this act without consideration of another identical brother being identified as the father of the child, the court may rely on nongenetic evidence to adjudicate which brother is the father of the child.

NEW SECTION. Sec. 411. CONFIDENTIALITY OF GENETIC TESTING. (1) Release of the report of genetic testing for parentage is controlled by chapter 70.02 RCW.

(2) An individual commits a gross misdemeanor punishable under RCW 9.92.020 if the individual intentionally releases an identifiable specimen of another individual for any purpose other than that relevant to the proceeding regarding parentage without a court order or the written permission of the individual who furnished the specimen.

ARTICLE 5
PROCEEDING TO ADJUDICATE PARENTAGE

PART 1
NATURE OF PROCEEDING

NEW SECTION. **Sec. 501.** PROCEEDING AUTHORIZED. A civil proceeding may be maintained to adjudicate the parentage of a child. The proceeding is governed by the rules of civil procedure.

NEW SECTION. **Sec. 502.** STANDING TO MAINTAIN PROCEEDING. Subject to sections 301 through 316, 507, and 509 of this act, a proceeding to adjudicate parentage may be maintained by:

- (1) The child;
- (2) The mother of the child;
- (3) A man whose paternity of the child is to be adjudicated;
- (4) The division of child support;
- (5) An authorized adoption agency or licensed child-placing agency;
- (6) A representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or
- (7) An intended parent under a surrogate parentage contract, as provided in RCW 26.26.210 through 26.26.260.

NEW SECTION. **Sec. 503.** PARTIES TO PROCEEDING. The following individuals must be joined as parties in a proceeding to adjudicate parentage:

- (1) The mother of the child;
- (2) A man whose paternity of the child is to be adjudicated; and
- (3) An intended parent under a surrogate parentage contract, as provided in RCW 26.26.210 through 26.26.260.

NEW SECTION. **Sec. 504.** PERSONAL JURISDICTION. (1) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.

(2) A court of this state having jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident individual, or the guardian or conservator of the individual, if the conditions prescribed in RCW 26.21.075 are fulfilled.

(3) Lack of jurisdiction over one individual does not preclude the court from making an adjudication of parentage binding on another individual over whom the court has personal jurisdiction.

NEW SECTION. **Sec. 505.** VENUE. Venue for a proceeding to adjudicate parentage is in the county of this state in which:

- (1) The child resides or is found;
- (2) The respondent resides or is found if the child does not reside in this state; or
- (3) A proceeding for probate of the presumed or alleged father's estate has been commenced.

NEW SECTION. Sec. 506. NO LIMITATION: CHILD HAVING NO PRESUMED, ACKNOWLEDGED, OR ADJUDICATED FATHER. A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated father may be commenced at any time during the life of the child, even after:

- (1) The child becomes an adult; or
- (2) An earlier proceeding to adjudicate paternity has been dismissed based on the application of a statute of limitation then in effect.

NEW SECTION. Sec. 507. LIMITATION: CHILD HAVING PRESUMED FATHER. (1) Except as otherwise provided in subsection (2) of this section, a proceeding brought by a presumed father, the mother, or another individual to adjudicate the parentage of a child having a presumed father must be commenced not later than two years after the birth of the child.

(2) A proceeding seeking to disprove the father-child relationship between a child and the child's presumed father may be maintained at any time if the court determines that:

- (a) The presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception; and
- (b) The presumed father never openly treated the child as his own.

NEW SECTION. Sec. 508. AUTHORITY TO DENY GENETIC TESTING. (1) In a proceeding to adjudicate parentage under circumstances described in section 507 of this act, a court may deny genetic testing of the mother, the child, and the presumed father if the court determines that:

(a) The conduct of the mother or the presumed father estops that party from denying parentage; and

(b) It would be inequitable to disprove the father-child relationship between the child and the presumed father.

(2) In determining whether to deny genetic testing under this section, the court shall consider the best interest of the child, including the following factors:

- (a) The length of time between the proceeding to adjudicate parentage and the time that the presumed father was placed on notice that he might not be the genetic father;
 - (b) The length of time during which the presumed father has assumed the role of father of the child;
 - (c) The facts surrounding the presumed father's discovery of his possible nonpaternity;
 - (d) The nature of the father-child relationship;
 - (e) The age of the child;
 - (f) The harm to the child which may result if presumed paternity is successfully disproved;
 - (g) The relationship of the child to any alleged father;
 - (h) The extent to which the passage of time reduces the chances of establishing the paternity of another man and a child support obligation in favor of the child; and
 - (i) Other factors that may affect the equities arising from the disruption of the father-child relationship between the child and the presumed father or the chance of other harm to the child.
- (3) In a proceeding involving the application of this section, the child must be represented by a guardian ad litem.
- (4) A denial of genetic testing must be based on clear and convincing evidence.
- (5) If the court denies genetic testing, it shall issue an order adjudicating the presumed father to be the father of the child.

NEW SECTION. Sec. 509. LIMITATION: CHILD HAVING ACKNOWLEDGED OR ADJUDICATED FATHER. (1) If a child has an acknowledged father, a signatory to the acknowledgment or denial of paternity must commence any proceeding seeking to rescind or challenge the paternity of that child only within the time allowed under section 307 or 308 of this act.

(2) If a child has an acknowledged father or an adjudicated father, an individual, other than the child, who is neither a signatory to the acknowledgment nor a party to the adjudication and who seeks an adjudication of paternity of the child must commence a proceeding not later than two years after the effective date of the acknowledgment or adjudication.

NEW SECTION. Sec. 510. JOINDER OF PROCEEDINGS. (1) Except as provided in subsection (2) of this section, a proceeding to adjudicate parentage may be joined with a proceeding for: Adoption or termination of parental rights under chapter 26.33 RCW; determination of a parenting plan, child support, annulment, dissolution of marriage, or legal separation under chapter 26.09 or 26.19 RCW; or probate or administration of an estate under chapter 11.48 or 11.54 RCW, or other appropriate proceeding.

(2) A respondent may not join the proceedings described in subsection (1) of this section with a proceeding to adjudicate parentage brought under chapter 26.21 RCW.

NEW SECTION. Sec. 511. PROCEEDING BEFORE BIRTH. Although a proceeding to determine parentage may be commenced before the birth of the child, the proceeding may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

- (1) Service of process;
 - (2) Discovery;
 - (3) Except as prohibited by section 402 of this act, collection of specimens for genetic testing;
- and
- (4) Temporary orders authorized under section 524 of this act.

NEW SECTION. Sec. 512. CHILD AS PARTY--REPRESENTATION. (1) A minor child is a permissible party, but is not a necessary party to a proceeding under sections 501 through 537 of this act.

(2) If the child is a party, or if the court finds that the interests of a minor child or incapacitated child are not adequately represented, the court shall appoint a guardian ad litem to represent the child, subject to RCW 74.20.310 neither the child's mother or father may represent the child as guardian or otherwise.

PART 2 SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

NEW SECTION. Sec. 521. ADMISSIBILITY OF RESULTS OF GENETIC TESTING--EXPENSES. (1) Except as otherwise provided in subsection (3) of this section, a record of a genetic testing expert is admissible as evidence of the truth of the facts asserted in the report unless a party objects to its admission within fourteen days after its receipt by the objecting party and cites specific grounds for exclusion. The admissibility of the report is not affected by whether the testing was performed:

- (a) Voluntarily or under an order of the court or a support enforcement agency; or
 - (b) Before or after the commencement of the proceeding.
- (2) A party objecting to the results of genetic testing may call one or more genetic testing experts to testify in person or by telephone, videoconference, deposition, or another method approved by the court. Unless otherwise ordered by the court, the party offering the testimony bears the expense for the expert testifying.
- (3) If a child has a presumed, acknowledged, or adjudicated father, the results of genetic testing are inadmissible to adjudicate parentage unless performed:
- (a) With the consent of both the mother and the presumed, acknowledged, or adjudicated father; or
 - (b) Under an order of the court under section 402 of this act.
- (4) Copies of bills for genetic testing and for prenatal and postnatal health care for the mother and child that are furnished to the adverse party not less than ten days before the date of a hearing are admissible to establish:
- (a) The amount of the charges billed; and

(b) That the charges were reasonable, necessary, and customary.

NEW SECTION. Sec. 522. CONSEQUENCES OF DECLINING GENETIC TESTING. (1) An order for genetic testing is enforceable by contempt.

(2) If an individual whose paternity is being determined declines to submit to genetic testing as ordered by the court, the court may on that basis adjudicate parentage contrary to the position of that individual.

(3) Genetic testing of the mother of a child is not a condition precedent to testing the child and a man whose paternity is being determined. If the mother is unavailable or declines to submit to genetic testing, the court may order the testing of the child and every man whose paternity is being adjudicated.

NEW SECTION. Sec. 523. ADMISSION OF PATERNITY AUTHORIZED. (1) A respondent in a proceeding to adjudicate parentage may admit to the paternity of a child by filing a pleading to that effect or by admitting paternity under penalty of perjury when making an appearance or during a hearing.

(2) If the court finds that the admission of paternity was made under this section and finds that there is no reason to question the admission, the court shall issue an order adjudicating the child to be the child of the man admitting paternity.

NEW SECTION. Sec. 524. TEMPORARY ORDER. This section applies to any proceeding under sections 501 through 537 of this act.

(1) The court shall issue a temporary order for support of a child if the individual ordered to pay support:

- (a) Is a presumed father of the child;
- (b) Is petitioning to have his paternity adjudicated or has admitted paternity in pleadings filed with the court;
- (c) Is identified as the father through genetic testing under section 405 of this act;
- (d) Has declined to submit to genetic testing but is shown by clear and convincing evidence to be the father of the child; or
- (e) Is the mother of the child.

(2) A temporary order may, on the same basis as provided in chapter 26.09 RCW, make residential provisions with regard to minor children of the parties, except that a parenting plan is not required unless requested by a parent.

(3) Any party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any party from:

- (a) Molesting or disturbing the peace of another party;
- (b) Going onto the grounds of or entering the home, workplace, or school of another party or the day care or school of any child;
- (c) Knowingly coming within, or knowingly remaining within, a specified distance from a specified location; and
- (d) Removing a child from the jurisdiction of the court.

(4) Either party may request a domestic violence protection order under chapter 26.50 RCW or an antiharassment protection order under chapter 10.14 RCW on a temporary basis. The court may grant any of the relief provided in RCW 26.50.060 except relief pertaining to residential provisions for the children which provisions shall be provided for under this chapter, and any of the relief provided in RCW 10.14.080. Ex parte orders issued under this subsection shall be effective for a fixed period not to exceed fourteen days, or upon court order, not to exceed twenty-four days if necessary to ensure that all temporary motions in the case can be heard at the same time.

(5) Restraining orders issued under this section restraining or enjoining the person from molesting or disturbing another party, or from going onto the grounds of or entering the home, workplace, or school of the other party or the day care or school of any child, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, shall prominently bear on the front page of the order the legend: VIOLATION OF THIS ORDER WITH

ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court shall order that any temporary restraining order bearing a criminal offense legend, any domestic violence protection order, or any antiharassment protection order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order is fully enforceable in any county in the state.

(7) If a restraining order issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

(8) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(9) The court may issue a temporary restraining order or preliminary injunction and an order for temporary support in such amounts and on such terms as are just and proper in the circumstances. In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(10) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final order is entered or when the petition is dismissed; and

(d) May be entered in a proceeding for the modification of an existing order.

(11) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

PART 3 HEARINGS AND ADJUDICATION

NEW SECTION. **Sec. 531.** RULES FOR ADJUDICATION OF PATERNITY. The court shall apply the following rules to adjudicate the paternity of a child:

(1) The paternity of a child having a presumed, acknowledged, or adjudicated father may be disproved only by admissible results of genetic testing excluding that man as the father of the child or identifying another man to be the father of the child.

(2) Unless the results of genetic testing are admitted to rebut other results of genetic testing, the man identified as the father of the child under section 405 of this act must be adjudicated the father of the child.

(3) If the court finds that genetic testing under section 405 of this act neither identifies nor excludes a man as the father of a child, the court may not dismiss the proceeding. In that event, the results of genetic testing, along with other evidence, are admissible to adjudicate the issue of paternity.

(4) Unless the results of genetic testing are admitted to rebut other results of genetic testing, a man excluded as the father of a child by genetic testing must be adjudicated not to be the father of the child.

NEW SECTION. Sec. 532. JURY PROHIBITED. The court, without a jury, shall adjudicate parentage of a child.

NEW SECTION. Sec. 533. HEARINGS--INSPECTION OF RECORDS. (1) On request of a party and for good cause shown, the court may close a proceeding under this section and sections 501 through 532 and 534 through 537 of this act.

(2) A final order in a proceeding under this section and sections 501 through 532 and 534 through 537 of this act is available for public inspection. Other papers and records are available only with the consent of the parties or on order of the court for good cause.

NEW SECTION. Sec. 534. ORDER ON DEFAULT. The court shall issue an order adjudicating the paternity of a man who:

- (1) After service of process, is in default; and
- (2) Is found by the court to be the father of a child.

NEW SECTION. Sec. 535. DISMISSAL FOR WANT OF PROSECUTION. The court may issue an order dismissing a proceeding commenced under this chapter for want of prosecution only without prejudice. An order of dismissal for want of prosecution with prejudice is void and may be challenged in another judicial or an administrative proceeding.

NEW SECTION. Sec. 536. ORDER ADJUDICATING PARENTAGE. (1) The court shall issue an order adjudicating whether a man alleged or claiming to be the father is the parent of the child.

(2) An order adjudicating parentage must identify the child by name and age.

(3) Except as otherwise provided in subsection (4) of this section, the court may assess filing fees, reasonable attorneys' fees, fees for genetic testing, other costs, and necessary travel and other reasonable expenses incurred in a proceeding under this section and sections 501 through 535 and 537 of this act. The court may award attorneys' fees, which may be paid directly to the attorney, who may enforce the order in the attorney's own name.

(4) The court may not assess fees, costs, or expenses against the support enforcement agency of this state or another state, except as provided by other law.

(5) On request of a party and for good cause shown, the court may order that the name of the child be changed.

(6) If the order of the court is at variance with the child's birth certificate, the court shall order the state registrar of vital statistics to issue an amended birth certificate.

NEW SECTION. Sec. 537. BINDING EFFECT OF DETERMINATION OF PARENTAGE. (1) Except as otherwise provided in subsection (2) of this section, a determination of parentage is binding on:

(a) All signatories to an acknowledgment or denial of paternity as provided in sections 301 through 316 of this act; and

(b) All parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of RCW 26.21.075.

(2) A child is not bound by a determination of parentage under this chapter unless:

(a) The acknowledgment of paternity is consistent with the results of the genetic testing;

(b) The adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown; or

(c) The child was represented in the proceeding determining parentage by a guardian ad litem.

(3) In a proceeding to dissolve a marriage, the court is deemed to have made an adjudication of the parentage of a child if the court acts under circumstances that satisfy the jurisdictional requirements of RCW 26.21.075, and the final order:

(a) Expressly identifies a child as a "child of the marriage," "issue of the marriage," or similar words indicating that the husband is the father of the child; or

(b) Provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

(4) Except as otherwise provided in subsection (2) of this section, a determination of parentage may be a defense in a subsequent proceeding seeking to adjudicate parentage by an individual who was not a party to the earlier proceeding.

(5) A party to an adjudication of paternity may challenge the adjudication only under law of this state relating to appeal, vacation of judgments, and other judicial review.

ARTICLE 6 CHILD OF ASSISTED REPRODUCTION

NEW SECTION. **Sec. 601.** SCOPE OF ARTICLE. Sections 602 through 609 of this act do not apply to the birth of a child conceived by means of sexual intercourse.

NEW SECTION. **Sec. 602.** PARENTAL STATUS OF DONOR. A donor is not a parent of a child conceived by means of assisted reproduction.

NEW SECTION. **Sec. 603.** HUSBAND'S PATERNITY OF CHILD OF ASSISTED REPRODUCTION. If a husband provides sperm for, or consents to, assisted reproduction by his wife as provided in section 604 of this act, he is the father of a resulting child born to his wife.

NEW SECTION. **Sec. 604.** CONSENT TO ASSISTED REPRODUCTION. (1) A consent to assisted reproduction by a married woman must be in a record signed by the woman and her husband. This requirement does not apply to the donation of eggs for assisted reproduction by another woman.

(2) Failure of the husband to sign a consent required by subsection (1) of this section, before or after birth of the child, does not preclude a finding that the husband is the father of a child born to his wife if the wife and husband openly treated the child as their own.

NEW SECTION. **Sec. 605.** LIMITATION ON HUSBAND'S DISPUTE OF PATERNITY. (1) Except as otherwise provided in subsection (2) of this section, the husband of a wife who gives birth to a child by means of assisted reproduction may not challenge his paternity of the child unless:

(a) Within two years after learning of the birth of the child he commences a proceeding to adjudicate his paternity; and

(b) The court finds that he did not consent to the assisted reproduction, before or after birth of the child.

(2) A proceeding to adjudicate paternity may be maintained at any time if the court determines that:

(a) The husband did not provide sperm for, or before or after the birth of the child consent to, assisted reproduction by his wife;

(b) The husband and the mother of the child have not cohabited since the probable time of assisted reproduction; and

(c) The husband never openly treated the child as his own.

(3) The limitation provided in this section applies to a marriage declared invalid after assisted reproduction.

NEW SECTION. **Sec. 606.** EFFECT OF DISSOLUTION OF MARRIAGE. (1) If a marriage is dissolved before placement of eggs, sperm, or an embryo, the former spouse is not a parent

of the resulting child unless the former spouse consented in a record that if assisted reproduction were to occur after a divorce, the former spouse would be a parent of the child.

(2) The consent of the former spouse to assisted reproduction may be revoked by that individual in a record at any time before placement of eggs, sperm, or embryos.

NEW SECTION. **Sec. 607.** PARENTAL STATUS OF DECEASED SPOUSE. If a spouse dies before placement of eggs, sperm, or an embryo, the deceased spouse is not a parent of the resulting child unless the deceased spouse consented in a record that if assisted reproduction were to occur after death, the deceased spouse would be a parent of the child.

NEW SECTION. **Sec. 608.** EFFECT OF AGREEMENT BETWEEN OVUM DONOR AND WOMAN WHO GIVES BIRTH. The donor of ovum provided to a licensed physician for use in the alternative reproductive medical technology process of attempting to achieve a pregnancy in a woman other than the donor is treated in law as if she were not the natural mother of a child thereafter conceived and born unless the donor and the woman who gives birth to a child as a result of the alternative reproductive medical technology procedures agree in writing that the donor is to be a parent. Section 602 of this act does not apply in such case. A woman who gives birth to a child conceived through alternative reproductive medical technology procedures under the supervision and with the assistance of a licensed physician is treated in law as if she were the natural mother of the child unless an agreement in writing signed by an ovum donor and the woman giving birth to the child states otherwise. An agreement pursuant to this section must be in writing and signed by the ovum donor and the woman who gives birth to the child and any other intended parent of the child. The physician shall certify the parties' signatures and the date of the ovum harvest, identify the subsequent medical procedures undertaken, and identify the intended parents. The agreement, including the affidavit and certification referenced in RCW 26.26.030, must be filed with the registrar of vital statistics, where it must be kept confidential and in a sealed file.

NEW SECTION. **Sec. 609.** ISSUANCE OF BIRTH CERTIFICATE. The department of health shall, upon request, issue a birth certificate for any child born as a result of an alternative reproductive medical technology procedure indicating the legal parentage of such child as intended by any agreement filed with the registrar of vital statistics pursuant to section 608 of this act.

ARTICLE 7 MISCELLANEOUS PROVISIONS

Sec. 701. RCW 5.44.140 and 1990 c 175 s 1 are each amended to read as follows:

In any proceeding regarding the determination of a family relationship, including but not limited to the parent and child relationship and the marriage relationship, a determination of family relationships regarding any person or persons who immigrated to the United States from a foreign country which was made or accepted by the United States immigration and naturalization service at the time of that person or persons' entry into the United States creates a rebuttable presumption that the determination is valid and that the family relationship under foreign law is as made or accepted at the time of entry. Except as provided in (~~RCW 26.26.040 (1)(f) and (2)~~) section 204(2) of this act, the presumption may be overcome by a preponderance of evidence showing that a living person other than the person named by the United States immigration and naturalization service is in the relationship in question.

Sec. 702. RCW 5.62.030 and 1986 c 212 s 2 are each amended to read as follows:

Notwithstanding anything to the contrary in this chapter, the privilege created in this chapter is subject to the same limitations and exemptions contained in RCW (~~26.26.120,~~) 26.44.060(3)(~~+~~) and

51.04.050 as those limitations and exemptions relate to the physician/patient privilege of RCW 5.60.060.

Sec. 703. RCW 9.41.070 and 1999 c 222 s 2 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ~~((26.26.137,))~~ 26.50.060, ~~((or))~~ 26.50.070, or section 524 of this act;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic data base, the department of social and health services electronic data base, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the secretary of the treasury under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall meet the additional requirements of RCW 9.41.170 and produce proof of compliance with RCW 9.41.170 upon application. The license shall be in triplicate and in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;
- (c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this

chapter; and

- (d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

- (a) Fifteen dollars shall be paid to the state general fund;
- (b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this

chapter; and

- (c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section.

The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife fund and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

- (b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a

temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

Sec. 704. RCW 9.41.800 and 1996 c 295 s 14 are each amended to read as follows:

(1) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ~~((26.26.137,))~~ 26.50.060, ~~((or))~~ 26.50.070, or section 524 of this act shall, upon a showing by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a firearm under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender any concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(2) Any court when entering an order authorized under RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, ~~((26.26.137,))~~ 26.50.060, ~~((or))~~ 26.50.070, or section 524 of this act may, upon a showing by a preponderance of the evidence but not by clear and convincing evidence, that a party has: Used, displayed, or threatened to use a firearm or other dangerous weapon in a felony, or previously committed any offense that makes him or her ineligible to possess a pistol under the provisions of RCW 9.41.040:

(a) Require the party to surrender any firearm or other dangerous weapon;

(b) Require the party to surrender a concealed pistol license issued under RCW 9.41.070;

(c) Prohibit the party from obtaining or possessing a firearm or other dangerous weapon;

(d) Prohibit the party from obtaining or possessing a concealed pistol license.

(3) The court may order temporary surrender of a firearm or other dangerous weapon without notice to the other party if it finds, on the basis of the moving affidavit or other evidence, that irreparable injury could result if an order is not issued until the time for response has elapsed.

(4) In addition to the provisions of subsections (1), (2), and (3) of this section, the court may enter an order requiring a party to comply with the provisions in subsection (1) of this section if it finds that the possession of a firearm or other dangerous weapon by any party presents a serious and imminent threat to public health or safety, or to the health or safety of any individual.

(5) The requirements of subsections (1), (2), and (4) of this section may be for a period of time less than the duration of the order.

(6) The court may require the party to surrender any firearm or other dangerous weapon in his or her immediate possession or control or subject to his or her immediate possession or control to the sheriff of the county having jurisdiction of the proceeding, the chief of police of the municipality having jurisdiction, or to the restrained or enjoined party's counsel or to any person designated by the court.

Sec. 705. RCW 74.20.310 and 1991 c 367 s 45 are each amended to read as follows:

(1) The provisions of (~~RCW 26.26.090~~) section 512 of this act requiring appointment of a (~~general guardian or~~) guardian ad litem to represent the child in an action brought to determine the parent and child relationship do not apply to actions brought under chapter 26.26 RCW if:

(a) The action is brought by the attorney general on behalf of the department of social and health services and the child; or

(b) The action is brought by any prosecuting attorney on behalf of the state and the child when referral has been made to the prosecuting attorney by the department of social and health services requesting such action.

(2) On the issue of parentage, the attorney general or prosecuting attorney functions as the child's guardian ad litem provided the interests of the state and the child are not in conflict.

(3) The court, on its own motion or on motion of a party, may appoint a guardian ad litem when necessary.

(4) The summons shall contain a notice to the parents that pursuant to section 512 of this act the parents have a right to move the court for a guardian ad litem for the child other than the prosecuting attorney or the attorney general subject to subsection (2) of this section.

Sec. 706. RCW 74.20.360 and 1997 c 58 s 901 are each amended to read as follows:

(1) The division of child support may issue an order for genetic testing when providing services under this chapter and Title IV-D of the federal social security act if genetic testing:

(a) Is appropriate in an action under chapter 26.26 RCW, the uniform parentage act;

(b) Is appropriate in an action to establish support under RCW 74.20A.056; or

(c) Would assist the parties or the division of child support in determining whether it is appropriate to proceed with an action to establish or disestablish paternity.

(2) The order for genetic testing shall be served on the alleged parent or parents and the legal parent by personal service or by any form of mail requiring a return receipt.

(3) Within twenty days of the date of service of an order for genetic testing, any party required to appear for genetic testing, the child, or a guardian on the child's behalf, may petition in superior court under chapter 26.26 RCW to bar or postpone genetic testing.

(4) The order for genetic testing shall contain:

(a) An explanation of the right to proceed in superior court under subsection (3) of this section;

(b) Notice that if no one proceeds under subsection (3) of this section, the agency issuing the order will schedule genetic testing and will notify the parties of the time and place of testing by regular mail;

(c) Notice that the parties must keep the agency issuing the order for genetic testing informed of their residence address and that mailing a notice of time and place for genetic testing to the last known address of the parties by regular mail constitutes valid service of the notice of time and place;

(d) Notice that the order for genetic testing may be enforced through:

(i) Public assistance grant reduction for noncooperation, pursuant to agency rule, if the child and custodian are receiving public assistance;

(ii) Termination of support enforcement services under Title IV-D of the federal social security act if the child and custodian are not receiving public assistance;

(iii) A referral to superior court for an appropriate action under chapter 26.26 RCW; or

(iv) A referral to superior court for remedial sanctions under RCW 7.21.060.

(5) The department may advance the costs of genetic testing under this section.

(6) If an action is pending under chapter 26.26 RCW, a judgment for reimbursement of the cost of genetic testing may be awarded under (~~RCW 26.26.100~~) section 521 of this act.

(7) If no action is pending in superior court, the department may impose an obligation to reimburse costs of genetic testing according to rules adopted by the department to implement RCW 74.20A.056.

Sec. 707. RCW 74.20A.056 and 1997 c 58 s 941 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a

notice and finding of parental responsibility on him. (~~Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section.~~) Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) The alleged father may file an application for an adjudicative proceeding at which he will be required to appear and show cause why the amount stated in the finding of financial responsibility as to support is incorrect and should not be ordered;

(b) An alleged father may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(c) If the alleged father does not request that a blood or genetic test be administered or file an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under (~~RCW 26.26.060~~) sections 501 through 537 of this act that the parent-child relationship does not exist.

(2) An alleged father who objects to the amount of support requested in the notice or who requests genetic tests may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father who denies being a responsible parent may request that a blood or genetic test be administered at any time. The request for testing shall be in writing and served on the division of child support personally or by registered or certified mail. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under (~~RCW 26.26.060~~) sections 501 through 537 of this act to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father and the decision of the court is that the alleged father is a natural parent, the alleged father shall be liable for court costs incurred.

(7) If the alleged father does not request the division of child support to initiate a superior court action, or if the alleged father fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under (~~RCW 26.26.060~~) sections 501 through 537 of this act.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an ~~((alleged))~~ acknowledged father has signed an ~~((affidavit acknowledging))~~ acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997~~((, within sixty days from the date of filing of the acknowledgment))~~:

(i) The division of child support may serve a notice and finding of ~~((parental responsibility on him as set forth under this section))~~ financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice; ~~((and))~~

(ii) The notice shall include a statement that the ~~((alleged))~~ acknowledged father or any other signatory may ~~((rescind his acknowledgment of paternity. The rescission shall be notarized and delivered to the state registrar of vital statistics personally or by registered or certified mail. The state registrar shall remove the father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate or any other name that the mother may select. The state registrar shall file rescission notices in a sealed file. All future paternity actions on behalf of the child in question shall be performed under court order))~~ commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under sections 307 and 308 of this act; and

(iii) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

~~((b))~~ (c) If the ~~((alleged))~~ acknowledged father or other party to the notice does not file an application for an adjudicative proceeding or ~~((rescind his))~~ the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of ~~((parental))~~ financial responsibility becomes final, subject only to a subsequent determination under ~~((RCW 26.26.060))~~ sections 501 through 537 of this act that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

~~((e))~~ (d) An ~~((alleged))~~ acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

~~((d) If an alleged father makes a request for genetic testing, the department shall proceed as set forth under RCW 74.20.360.)~~

(e) If the ~~((alleged))~~ acknowledged father or other party to the notice does not request ~~((an))~~ a timely adjudicative proceeding, or if ~~((the alleged father fails to rescind his filed acknowledgment of paternity))~~ no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of ~~((parental))~~ financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under ~~((RCW 26.26.060))~~ sections 501 through 537 of this act.

(9) ~~((Affidavits acknowledging))~~ Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

Sec. 708. RCW 70.58.080 and 1997 c 58 s 937 are each amended to read as follows:

(1) Within ten days after the birth of any child, the attending physician, midwife, or his or her agent shall:

(a) Fill out a certificate of birth, giving all of the particulars required, including: (i) The mother's name and date of birth, and (ii) if the mother and father are married at the time of birth or ~~((the father has signed))~~ an acknowledgment of paternity has been signed or one has been filed with the state registrar of vital statistics naming the man as the father, the father's name and date of birth; and

(b) File the certificate of birth together with the mother's and father's social security numbers with the state registrar of vital statistics.

(2) The local registrar shall forward the birth certificate, any signed ~~((affidavit acknowledging))~~ acknowledgment of paternity that has not been filed with the state registrar of vital statistics, and the mother's and father's social security numbers to the state office of vital statistics pursuant to RCW 70.58.030.

(3) The state registrar of vital statistics shall make available to the division of child support the birth certificates, the mother's and father's social security numbers and acknowledgments of paternity ((affidavits)).

(4) Upon the birth of a child to an unmarried woman, the attending physician, midwife, or his or her agent shall:

(a) Provide an opportunity for the child's mother and natural father to complete an ~~((affidavit acknowledging))~~ acknowledgment of paternity. The completed ~~((affidavit))~~ acknowledgment shall be filed with the state registrar of vital statistics. The ~~((affidavit))~~ acknowledgment shall ~~((contain or have attached:~~

~~(i) A sworn statement by the mother consenting to the assertion of paternity and stating that this is the only possible father;~~

~~(ii) A statement by the father that he is the natural father of the child;~~

~~(iii) A sworn statement signed by the mother and the putative father that each has been given notice, both orally and in writing, of the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor, any rights afforded due to minority status, and responsibilities that arise from, signing the affidavit acknowledging paternity;~~

~~(iv) Written information, furnished by the department of social and health services, explaining the implications of signing, including parental rights and responsibilities; and~~

~~(v) The social security numbers of both parents))~~ be prepared as required by section 302 of this act.

(b) Provide written information and oral information, furnished by the department of social and health services, to the mother and the father regarding the benefits of having the child's paternity established and of the availability of paternity establishment services, including a request for support enforcement services. The oral and written information shall also include information regarding the alternatives to, the legal consequences of, and the rights, including, if one parent is a minor any rights afforded due to minority status, and responsibilities that arise from, signing the ~~((affidavit acknowledging))~~ acknowledgment of paternity.

(5) The physician or midwife or his or her agent is entitled to reimbursement for reasonable costs, which the department shall establish by rule, when an ~~((affidavit acknowledging))~~ acknowledgment of paternity is filed with the state registrar of vital statistics.

(6) If there is no attending physician or midwife, the father or mother of the child, householder or owner of the premises, manager or superintendent of the public or private institution in which the birth occurred, shall notify the local registrar, within ten days after the birth, of the fact of the birth, and the local registrar shall secure the necessary information and signature to make a proper certificate of birth.

(7) When an infant is found for whom no certificate of birth is known to be on file, a birth certificate shall be filed within the time and in the form prescribed by the state board of health.

(8) When no ((putative)) alleged father is named on a birth certificate of a child born to an unwed mother the mother may give any surname she so desires to her child but shall designate in space provided for father's name on the birth certificate "None Named".

NEW SECTION. Sec. 709. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 710. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 711. The following acts or parts of acts are each repealed:

- (1) RCW 26.26.010 ("Parent and child relationship" defined) and 1975-'76 2nd ex.s. c 42 s 2;
- (2) RCW 26.26.020 (Relationship not dependent on marriage) and 1975-'76 2nd ex.s. c 42 s 3;
- (3) RCW 26.26.030 (How parent and child relationship established) and 2002 c ... (SUBSTITUTE SENATE BILL NO. 5433) s 1, 1985 c 7 s 86, & 1975-'76 2nd ex.s. c 42 s 4;
- (4) RCW 26.26.035 (Default) and 1994 c 230 s 13;
- (5) RCW 26.26.040 (Presumption of paternity) and 1997 c 58 s 938, 1994 c 230 s 14, 1990 c 175 s 2, 1989 c 55 s 4, & 1975-'76 2nd ex.s. c 42 s 5;
- (6) RCW 26.26.050 (Artificial insemination) and 2002 c ... (SUBSTITUTE SENATE BILL NO. 5433) s 2 & 1975-'76 2nd ex.s. c 42 s 6;
- (7) RCW 26.26.060 (Determination of father and child relationship--Who may bring action--When action may be brought) and 1983 1st ex.s. c 41 s 5 & 1975-'76 2nd ex.s. c 42 s 7;
- (8) RCW 26.26.070 (Determination of father and child relationship--Petition to arrest alleged father--Warrant of arrest--Issuance--Grounds--Hearing) and 1975-'76 2nd ex.s. c 42 s 8;
- (9) RCW 26.26.080 (Jurisdiction--Venue) and 1975-'76 2nd ex.s. c 42 s 9;
- (10) RCW 26.26.090 (Parties) and 1984 c 260 s 31, 1983 1st ex.s. c 41 s 6, & 1975-'76 2nd ex.s. c 42 s 10;
- (11) RCW 26.26.100 (Blood or genetic tests) and 1997 c 58 s 946;
- (12) RCW 26.26.110 (Evidence relating to paternity) and 1994 c 146 s 2, 1984 c 260 s 33, & 1975-'76 2nd ex.s. c 42 s 12;
- (13) RCW 26.26.120 (Civil action--Testimony--Evidence--Jury) and 1994 c 146 s 3, 1984 c 260 s 34, & 1975-'76 2nd ex.s. c 42 s 13;
- (14) RCW 26.26.137 (Temporary support--Temporary restraining order--Preliminary injunction--Domestic violence or antiharassment protection order--Notice of modification or termination of restraining order--Support debts, notice) and 2000 c 119 s 11, 1995 c 246 s 32, 1994 sp.s. c 7 s 456, & 1983 1st ex.s. c 41 s 12;
- (15) RCW 26.26.170 (Action to determine mother and child relationship) and 1975-'76 2nd ex.s. c 42 s 18;
- (16) RCW 26.26.180 (Promise to render support) and 1983 1st ex.s. c 41 s 9 & 1975-'76 2nd ex.s. c 42 s 19;
- (17) RCW 26.26.200 (Hearing or trials to be in closed court--Records confidential) and 1983 1st ex.s. c 41 s 10 & 1975-'76 2nd ex.s. c 42 s 21;
- (18) RCW 26.26.900 (Uniformity of application and construction) and 1975-'76 2nd ex.s. c 42 s 42;
- (19) RCW 26.26.901 (Short title) and 1975-'76 2nd ex.s. c 42 s 43; and
- (20) RCW 26.26.905 (Severability--1975-'76 2nd ex.s. c 42) and 1975-'76 2nd ex.s. c 42 s 44.

NEW SECTION. Sec. 712. TRANSITIONAL PROVISION. A proceeding to adjudicate parentage which was commenced before the effective date of this section is governed by the law in effect at the time the proceeding was commenced.

NEW SECTION. **Sec. 713.** CAPTIONS, ARTICLE DESIGNATIONS, AND ARTICLE HEADINGS NOT LAW. Captions, article designations, and article headings used in this chapter are not any part of the law.

NEW SECTION. **Sec. 714.** EFFECTIVE DATE. This act takes effect July 1, 2002.

NEW SECTION. **Sec. 715.** Sections 101 through 609, 709, 710, and 712 through 714 of this act are each added to chapter 26.26 RCW."

On page 1, line 1 of the title, after "parentage act;" strike the remainder of the title and insert "amending RCW 5.44.140, 5.62.030, 9.41.070, 9.41.800, 74.20.310, 74.20.360, 74.20A.056, and 70.58.080; adding new sections to chapter 26.26 RCW; repealing RCW 26.26.010, 26.26.020, 26.26.030, 26.26.035, 26.26.040, 26.26.050, 26.26.060, 26.26.070, 26.26.080, 26.26.090, 26.26.100, 26.26.110, 26.26.120, 26.26.137, 26.26.170, 26.26.180, 26.26.200, 26.26.900, 26.26.901, and 26.26.905; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 2346 and advanced the bill as amended by the Senate to final passage.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2346 as amended by the Senate and the bill passed the House by the following vote: Yeas - 66, Nays - 28, Absent - 0, Excused - 4.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Campbell, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Reardon, Rockefeller, Romero, Ruderman, Santos, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Uptegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Crouse, DeBolt, Dunn, Ericksen, Holmquist, McMorris, Mielke, Morell, Mulliken, Orcutt, Pearson, Roach, Schindler, Sehlin, Sump and Talcott - 28.

Excused: Representatives Edwards, Lisk, Quall and Schmidt - 4.

Second Substitute House Bill No. 2346 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 2346.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2357, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.81.010 and 1991 c 363 s 41 are each amended to read as follows:

The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(1) "Agency" or "~~((urban))~~ community renewal agency" ~~((shall))~~ means a public agency created ~~((by))~~ under RCW 35.81.160 or otherwise authorized to serve as a community renewal agency under this chapter.

(2) "Blighted area" ~~((shall))~~ means an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of buildings or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate ~~((or mixed))~~ uses of land or buildings; ~~((high density of population and))~~ existence of overcrowding of buildings or structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; existence of hazardous soils, substances, or materials; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of persistent and high levels of unemployment or poverty within the area; or the existence of conditions ~~((which))~~ that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency ~~((and))~~ or crime; substantially impairs or arrests the sound growth of the ~~((city))~~ municipality or its environs, or retards the provision of housing accommodations ~~((or))~~; constitutes an economic or social liability ~~((r))~~; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, ~~((and))~~ or morals in its present condition and use.

(3) "Bonds" ~~((shall))~~ means any bonds, notes, or debentures (including refunding obligations) herein authorized to be issued.

(4) "Clerk" ~~((shall))~~ means the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(5) "Community renewal area" means a blighted area which the local governing body designates as appropriate for a community renewal project or projects.

(6) "Community renewal plan" means a plan, as it exists from time to time, for a community renewal project or projects, which plan (a) shall be consistent with the comprehensive plan or parts thereof for the municipality as a whole; (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community renewal area; zoning and planning changes, if any, which may include, among other things, changes related to land uses, densities, and building requirements; and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements; (c) shall address the need for replacement housing, within the municipality, where existing housing is lost as a result of the community renewal project undertaken by the municipality under this chapter; and (d) may include a plan to address any persistent high levels of unemployment or poverty in the community renewal area.

(7) "Community renewal project" includes one or more undertakings or activities of a municipality in a community renewal area: (a) For the elimination and the prevention of the development or spread of blight; (b) for encouraging economic growth through job creation or retention; (c) for redevelopment or rehabilitation in a community renewal area; or (d) any combination or part thereof in accordance with a community renewal plan.

(8) "Federal government" ~~((shall include))~~ includes the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

~~((6))~~ (9) "Local governing body" ~~((shall))~~ means the council or other legislative body charged with governing the municipality.

~~((7))~~ (10) "Mayor" ~~((shall))~~ means the chief executive of a city or town, or the elected executive, if any, of any county operating under a charter, or the county legislative authority of any other county.

~~((8))~~ (11) "Municipality" ~~((shall))~~ means any incorporated city or town, or any county, in the state.

~~((9))~~ (12) "Obligee" ~~((shall include))~~ includes any bondholder, agent, or trustees for any bondholders, ~~((or))~~ any lessor demising to the municipality property used in connection with ~~((an urban))~~ a community renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

~~((10))~~ (13) "Person" ~~((shall))~~ means any individual, firm, partnership, corporation, company, association, joint stock association, or school district; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

~~((11))~~ (14) "Persons of low income" means an individual with an annual income, at the time of hiring or at the time assistance is provided under this chapter, that does not exceed the higher of either: (a) Eighty percent of the statewide median family income, adjusted for family size; or (b) eighty percent of the median family income for the county or standard metropolitan statistical area, adjusted for family size, where the community renewal area is located.

(15) "Public body" ~~((shall))~~ means the state or any municipality, ~~((township,))~~ board, commission, district, or any other subdivision or public body of the state or of a municipality.

~~((12))~~ (16) "Public officer" ~~((shall))~~ means any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

~~((13))~~ (17) "Real property" ~~((shall))~~ includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

~~((14))~~ (18) "Redevelopment" ~~((may))~~ includes (a) acquisition of a blighted area or portion thereof; (b) demolition and removal of buildings and improvements; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the ~~((urban))~~ community renewal provisions of this chapter in accordance with the ~~((urban))~~ community renewal plan~~((, and))~~; (d) making the land available for development or redevelopment by private enterprise or public ~~((agencies))~~ bodies (including sale, initial leasing, or retention by the municipality itself) at its fair value for uses in accordance with the ~~((urban))~~ community renewal plan; and (e) making loans or grants to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

~~((15))~~ (19) "Rehabilitation" ~~((may))~~ includes the restoration and renewal of a blighted area or portion thereof, in accordance with ~~((an urban))~~ a community renewal plan, by (a) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements; (b) acquisition of real property and demolition or removal of buildings and improvements thereon where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; (c) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the ~~((urban))~~ community renewal provisions of this chapter; and (d) the disposition of any property acquired in such ~~((urban))~~ community renewal area ~~((including sale, initial leasing, or retention by the municipality itself) at its fair value))~~ for uses in accordance with such ~~((urban))~~ community renewal plan.

~~((16))~~ "Urban renewal area" means a blighted area which the local governing body designates as appropriate for an urban renewal project or projects.

(17) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (a) shall conform to the comprehensive plan or parts thereof for the municipality as a whole; and (b) shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be

~~carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.~~

~~(18) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight, and may involve redevelopment in an urban renewal area, or rehabilitation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan.)~~

Sec. 2. RCW 35.81.020 and 1965 c 7 s 35.81.020 are each amended to read as follows:

It is hereby found and declared that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of the state exist in municipalities of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime and depreciation of property values, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, hinders job creation and economic growth, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and to provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services, and facilities.

It is further found and declared that certain of such areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this chapter, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation; that other areas or portions thereof may, through the means provided in this chapter, be susceptible of rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that to the extent feasible salvable blighted areas should be rehabilitated through voluntary action and the regulatory process.

It is further found and declared that there is an urgent need to enhance the ability of municipalities to act effectively and expeditiously to revive blighted areas and to prevent further blight due to shocks to the economy of the state and their actual and threatened effects on unemployment, poverty, and the availability of private capital for businesses and projects in the area.

It is further found and declared that the powers conferred by this chapter are for public uses and purposes for which public money may be expended and the power of eminent domain exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

Sec. 3. RCW 35.81.030 and 1965 c 7 s 35.81.030 are each amended to read as follows:

A municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this chapter, shall afford maximum opportunity, consistent with the ~~((sound))~~ needs of the municipality as a whole, to the rehabilitation or redevelopment of the ~~((urban))~~ community renewal area by private enterprise. A municipality shall give consideration to this objective in exercising its powers under this chapter, including the formulation of a workable program, the approval of ~~((urban))~~ community renewal plans (consistent with the comprehensive plan or parts thereof for the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

Sec. 4. RCW 35.81.040 and 1965 c 7 s 35.81.040 are each amended to read as follows:

A municipality for the purposes of this chapter may formulate a workable program for ~~((utilizing))~~ using appropriate private and public resources to eliminate, and prevent the development or spread of, blighted areas, to encourage needed ~~((urban))~~ community rehabilitation, to provide for the

redevelopment of such areas, or to undertake ~~((such of))~~ the ~~((aforesaid))~~ activities, or other feasible municipal activities as may be suitably employed to achieve the objectives of ~~((such))~~ the workable program. ~~((Such))~~ The workable program may include, without limitation, provision for: The prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation of blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; ~~((and))~~ the replacement of housing that is lost as a result of community renewal activities within a community renewal area; the clearance and redevelopment of blighted areas or portions thereof; and the reduction of unemployment and poverty within the community renewal area by providing financial or technical assistance to a person or public body that is used to create or retain jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

Sec. 5. RCW 35.81.050 and 1965 c 7 s 35.81.050 are each amended to read as follows:

(1) No municipality shall exercise any of the powers hereafter conferred upon municipalities by this chapter until after its local governing body shall have adopted ~~((a))~~ an ordinance or resolution finding that: ~~((1))~~ (a) One or more blighted areas exist in such municipality; and ~~((2))~~ (b) the rehabilitation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of such municipality.

(2) After adoption of the ordinance or resolution making the findings described in subsection (1) of this section, the local governing body of the municipality may elect to have the powers of a community renewal agency under this chapter exercised in one of the following ways:

(a) By appointing a board or commission composed of not less than five members, which board or commission shall include municipal officials and elected officials, selected by the mayor, with approval of the local governing body of the municipality; or

(b) By the local governing body of the municipality directly; or

(c) By the board of a public corporation, commission, or authority under chapter 35.21 RCW, or a public facilities district created under chapter 35.57 or 36.100 RCW, or a public port district created under chapter 53.04 RCW, or a housing authority created under chapter 35.82 RCW, that is authorized to conduct activities as a community renewal agency under this chapter.

Sec. 6. RCW 35.81.060 and 1965 c 7 s 35.81.060 are each amended to read as follows:

(1) A municipality shall not approve ~~((an urban))~~ a community renewal project for ~~((an urban))~~ a community renewal area unless the local governing body has, by ordinance or resolution, determined such an area to be a blighted area and designated ~~((such))~~ the area as appropriate for ~~((an urban))~~ a community renewal project. The local governing body shall not approve ~~((an urban))~~ a community renewal plan until a comprehensive plan or parts of ~~((such))~~ the plan for an area which would include ~~((an urban))~~ a community renewal area for the municipality have been prepared as provided in chapter ~~((35.63 RCW. For this purpose and other municipal purposes, authority is hereby vested in every municipality to prepare, to adopt, and to revise from time to time, a comprehensive plan or parts thereof for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor))~~ 36.70A RCW. For municipalities not subject to the planning requirements of chapter 36.70A RCW, any proposed comprehensive plan must be consistent with a local comprehensive plan adopted under chapter 35.63 or 36.70 RCW, or any other applicable law. A municipality shall not acquire real property for ~~((an urban))~~ a community renewal project unless the local governing body has approved the ~~((urban))~~ community renewal project plan in accordance with subsection (4) ~~((hereof))~~ of this section.

(2) The municipality may itself prepare or cause to be prepared ~~((an urban))~~ a community renewal plan, or any person or agency, public or private, may submit such a plan to the municipality. Prior to its approval of ~~((an urban))~~ a community renewal project, the local governing body shall ~~((submit such plan to the planning commission of the municipality for review and recommendations as~~

~~to its conformity)) review and determine the conformity of the community renewal plan with the comprehensive plan or parts thereof for the development of the municipality as a whole. ((The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty days after receipt of it. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within sixty days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project plan prescribed by subsection (3) hereof))~~ If the community renewal plan is not consistent with the existing comprehensive plan, the local governing body may amend its comprehensive plan or community renewal plan.

(3) Prior to adoption, the local governing body shall hold a public hearing on ((an urban)) a community renewal plan after providing public notice ((thereof)). ((Such)) The notice shall be given by publication once each week for two consecutive weeks not less than ten nor more than thirty days prior to the date of the hearing in a newspaper having a general circulation in the ((urban)) community renewal area of the municipality and by mailing a notice of ((such)) the hearing not less than ten days prior to the date of the hearing to the persons whose names appear on the county treasurer's tax roll as the owner or reputed owner of the property, at the address shown on the tax roll. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the ((urban)) community renewal area affected, and shall outline the general scope of the ((urban)) community renewal plan under consideration.

(4) Following ((such)) the hearing, the local governing body may approve ((an urban)) a community renewal project if it finds that (a) a ((workable and)) feasible plan exists for making available adequate housing for the ((persons)) residents who may be displaced by the project; (b) the ((urban)) community renewal plan conforms to the comprehensive plan ((or parts thereof)) for the municipality ((as a whole)); (c) the ((urban)) community renewal plan will afford maximum opportunity, consistent with the ((sound)) needs of the municipality ((as a whole)), for the rehabilitation or redevelopment of the ((urban)) community renewal area by private enterprise; ((and)) (d) a sound and adequate financial program exists for the financing of ((said)) the project; and (e) the ((urban)) community renewal project area is a blighted area as defined in RCW 35.81.010(2) (as recodified by this act).

(5) ((An urban)) A community renewal project plan may be modified at any time by the local governing body((: PROVIDED, That)). However, if modified after the lease or sale by the municipality of real property in the ((urban)) community renewal project area, ((such)) the modification shall be subject to ((such)) the rights at law or in equity as a lessee or purchaser, or ((his)) the successor or successors in interest may be entitled to assert.

(6) ((Upon the approval of an urban renewal project by a municipality, the provisions of the urban renewal plan with respect to the future use and building requirements applicable to the property covered by said plan shall be controlling with respect thereto)) Unless otherwise expressly stated in an ordinance or resolution of the governing body of the municipality, a community renewal plan shall not be considered a subarea plan or part of a comprehensive plan for purposes of chapter 36.70A RCW. However, a municipality that has adopted a comprehensive plan under chapter 36.70A RCW may adopt all or part of a community renewal plan at any time as a new or amended subarea plan, whether or not any subarea plan has previously been adopted for all or part of the community renewal area. Any community renewal plan so adopted, unless otherwise determined by the growth management hearings board with jurisdiction under a timely appeal in RCW 36.70A.280, shall be conclusively presumed to comply with the requirements in this chapter for consistency with the comprehensive plan.

Sec. 7. RCW 35.81.070 and 1965 c 7 s 35.81.070 are each amended to read as follows:

Every municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others ((herein)) granted under this chapter:

(1) To undertake and carry out ((urban)) community renewal projects within the municipality, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this chapter, and to disseminate blight clearance and ((urban)) community renewal information.

(2) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for, or in connection with, ~~((an urban))~~ a community renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of ~~((an urban))~~ a community renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate.

(3) To provide financial or technical assistance, using available public or private funds, to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(4) To make payments, loans, or grants to, provide assistance to, and contract with existing or new owners and tenants of property in the community renewal areas as compensation for any adverse impacts, such as relocation or interruption of business, that may be caused by the implementation of a community renewal project, and/or consideration for commitments to develop, expand, or retain land uses that contribute to the success of the project or plan, including without limitation businesses that will create or retain jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(5) To contract with a person or public body to provide financial assistance, authorized under this section, to property owners and tenants impacted by the implementation of the community renewal plan and to provide incentives to property owners and tenants to encourage them to locate in the community renewal area after adoption of the community renewal plan.

(6) Within the municipality, to enter upon any building or property in any ~~((urban))~~ community renewal area, in order to make surveys and appraisals, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain, or otherwise, any real property and such personal property as may be necessary for the administration of the provisions herein contained, together with any improvements thereon; to hold, improve, clear, or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance: PROVIDED, That no statutory provision with respect to the acquisition, clearance, or disposition of property by public bodies shall restrict a municipality in the exercise of such functions with respect to ~~((an urban))~~ a community renewal project.

~~((4))~~ (7) To invest any ~~((urban))~~ community renewal project funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to RCW 35.81.100 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

~~((5))~~ (8) To borrow money and to apply for, and accept, advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this chapter, and to enter into and carry out contracts in connection therewith. A municipality may include in any application or contract for financial assistance with the federal government for ~~((an urban))~~ a community renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this chapter.

~~((6))~~ (9) Within the municipality, to make or have made all plans necessary to the carrying out of the purposes of this chapter and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify, and amend such plans. Such plans may include, without limitation: (a) A comprehensive plan or parts thereof for the locality as a whole, (b) ~~((urban))~~ community renewal plans, (c) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (d) plans for the enforcement of state and local

laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, ~~((and))~~ (e) appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of ~~((urban))~~ community renewal projects, and (f) plans to provide financial or technical assistance to a person or public body for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of ~~((urban))~~ blight, for job creation or retention activities, and to apply for, accept, and utilize grants of, funds from the federal government for such purposes.

~~((7))~~ (10) To prepare plans for the relocation of families displaced from ~~((an urban))~~ a community renewal area, and to coordinate public and private agencies in such relocation, including requesting such assistance for this purpose as is available from other private and governmental agencies, both for the municipality and other parties.

~~((8))~~ (11) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this chapter, and in accordance with state law: (a) Levy taxes and assessments for such purposes; (b) acquire land either by negotiation ~~((and/or))~~ or eminent domain, or both; (c) close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places; (d) plan or replan, zone or rezone any part of the municipality; (e) adopt annual budgets for the operation of ~~((an urban))~~ a community renewal agency, department, or offices vested with ~~((urban))~~ community renewal project powers under RCW 35.81.150; and (f) enter into agreements with such agencies or departments (which agreements may extend over any period) respecting action to be taken by such municipality pursuant to any of the powers granted by this chapter.

~~((9))~~ (12) Within the municipality, to organize, coordinate, and direct the administration of the provisions of this chapter as they apply to such municipality in order that the objective of remedying blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively.

~~((10))~~ (13) To contract with a person or public body to assist in carrying out the purposes of this chapter.

(14) To exercise all or any part or combination of powers herein granted.

Sec. 8. RCW 35.81.080 and 1965 c 7 s 35.81.080 are each amended to read as follows:

A municipality shall have the right to acquire by condemnation, in accordance with the procedure provided for condemnation by such municipality for other purposes, any interest in real property, which it may deem necessary for ~~((an urban))~~ a community renewal project under this chapter after the adoption by the local governing body of a resolution declaring that the acquisition of the real property described therein is necessary for such purpose. Condemnation for ~~((urban))~~ community renewal of blighted areas is declared to be a public use, and property already devoted to any other public use or acquired by the owner or ~~((his))~~ a predecessor in interest by eminent domain may be condemned for the purposes of this chapter.

The award of compensation for real property taken for such a project shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance, or reconstruction, or proposed assembly, clearance, or reconstruction in the project area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of proceedings to condemn such property. Evidence shall be admissible bearing upon the insanitary, unsafe, or substandard condition of the premises, or the unlawful use thereof.

Sec. 9. RCW 35.81.090 and 1965 c 7 s 35.81.090 are each amended to read as follows:

(1) A municipality, with approval of its legislative authority, may acquire real property, or any interest therein, for the purposes of a community renewal project (a) prior to the selection of one or more persons interested in undertaking to redevelop or rehabilitate the real property, or (b) after the selection of one or more persons interested in undertaking to redevelop or rehabilitate such real

property. In either case the municipality may select a redeveloper through a competitive bidding process consistent with this section or through a process consistent with section 10 of this act.

(2) A municipality, with approval of its legislative authority, may sell, lease, or otherwise transfer real property or any interest therein acquired by it for ~~((an urban))~~ a community renewal project, in ~~((an urban))~~ a community renewal area for residential, recreational, commercial, industrial, or other uses or for public use, and may enter into contracts with respect thereto, or may retain such a property or interest only for parks and recreation, education, public utilities, public transportation, public safety, health, highways, streets, and alleys, administrative buildings, or civic centers, in accordance with the ~~((urban))~~ community renewal project plan, subject to such covenants, conditions, and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of blighted areas or otherwise to carry out the purposes of this chapter ~~((: PROVIDED, That))~~. However, such a sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the ~~((urban))~~ community renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote ~~((such))~~ the real property only to the uses specified in the ~~((urban))~~ community renewal plan, and may be obligated to comply with ~~((such))~~ any other requirements as the municipality may determine to be in the public interest, including the obligation to begin and complete, within a reasonable time, any improvements on ~~((such))~~ the real property required by the ~~((urban))~~ community renewal plan or promised by the transferee. ~~((Such))~~ The real property or interest shall be sold, leased, or otherwise transferred ~~((, or retained at not less than its fair value for uses in accordance with the urban renewal plan))~~ for the consideration the municipality determines adequate. In determining the ~~((fair value of real property for uses in accordance with the urban renewal plan))~~ adequacy of consideration, a municipality ~~((shall))~~ may take into account ~~((, and give consideration to,))~~ the uses ~~((provided in such))~~ permitted under the community renewal plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the ~~((purchaser or lessee or by the municipality retaining the property))~~ transferee; and the public benefits to be realized, including furthering of the objectives of ~~((such))~~ the plan for the prevention of the recurrence of blighted areas.

(3) The municipality in any instrument of conveyance to a private purchaser or lessee may provide that ~~((such))~~ the purchaser or lessee shall be without power to sell, lease, or otherwise transfer the real property, or to permit changes in ownership or control of a purchaser or lessee that is not a natural person, in each case without the prior written consent of the municipality until ~~((he))~~ the purchaser or lessee has completed the construction of ~~((any and))~~ all improvements ~~((which he))~~ that it has obligated ~~((himself))~~ itself to construct thereon. The municipality may also retain the right, upon any earlier transfer or change in ownership or control without consent; or any failure or change in ownership or control without consent; or any failure to complete the improvements within the time agreed to terminate the transferee's interest in the property; or to retain or collect on any deposit or instrument provided as security, or both. The enforcement of these restrictions and remedies is declared to be consistent with the public policy of this state. Real property acquired by a municipality ~~((which))~~ that, in accordance with the provisions of the ~~((urban))~~ community renewal plan, is to be transferred, shall be transferred as rapidly as feasible, in the public interest, consistent with the carrying out of the provisions of the ~~((urban))~~ community renewal plan. The inclusion in any ~~((such))~~ contract or conveyance to a purchaser or lessee of any ~~((such))~~ covenants, restrictions, or conditions (including the incorporation by reference therein of the provisions of ~~((an urban))~~ a community renewal plan or any part thereof) shall not prevent the recording of such a contract or conveyance in the land records of the auditor or the county in which ~~((such))~~ the city or town is located, in ~~((such))~~ a manner ~~((as to))~~ that affords actual or constructive notice thereof.

~~((2))~~ (4)(a)(i) A municipality may dispose of real property in ~~((an urban))~~ a community renewal area, acquired by the municipality under this chapter, to any private persons only under ~~((such))~~ those reasonable competitive bidding procedures as it shall prescribe, or by competitive bidding as ~~((hereinafter))~~ provided in this subsection, through direct negotiation where authorized under (c) of this subsection, or by a process authorized in section 10 of this act.

(ii) A competitive bidding process may occur (A) prior to the purchase of the real property by the municipality, or (B) after the purchase of the real property by the municipality.

(b)(i) A municipality may, by public notice by publication once each week for three consecutive weeks in a newspaper having a general circulation in the community, prior to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite bids from, and make available all pertinent information to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate ~~((an urban))~~ a community renewal area, or any part thereof. ~~((Such))~~ This notice shall identify the area, or portion thereof, and shall state that ~~((such))~~ further information as is available may be obtained at ~~((such))~~ the office as shall be designated in ~~((said))~~ the notice.

(ii) The municipality shall consider all responsive redevelopment or rehabilitation bids and the financial and legal ability of the persons making ~~((such))~~ the bids to carry them out. The municipality may accept ~~((such))~~ the bids as it deems to be in the public interest and in furtherance of the purposes of this chapter. Thereafter, the municipality may execute, in accordance with the provisions of subsection ~~((4))~~ (2) of this section, and deliver contracts, deeds, leases, and other instruments of transfer.

~~((3))~~ (c) If the legislative authority of the municipality determines that the sale of real property to a specific person is necessary to the success of a neighborhood revitalization or community renewal project for which the municipality is providing assistance to a nonprofit organization from federal community development block grant funds under 42 U.S.C. Sec. 5305(a)(15), or successor provision, under a plan or grant application approved by the United States department of housing and urban development, or successor agency, then the municipality may sell or lease that property to that person through direct negotiation, for consideration determined by the municipality to be adequate consistent with subsection (2) of this section. This direct negotiation may occur, and the municipality may enter into an agreement for sale or lease, either before or after the acquisition of the property by the municipality. Unless the municipality has provided notice to the public of the intent to sell or lease the property by direct negotiation, as part of a citizen participation process adopted under federal regulations for the plan or grant application under which the federal community development block grant funds have been awarded, the municipality shall publish notice of the sale at least fifteen days prior to the conveyance of the property.

(5) A municipality may operate and maintain real property acquired in ~~((an urban))~~ a community renewal area for a period of three years pending the disposition of the property for redevelopment, without regard to the provisions of subsection ~~((4 above))~~ (2) of this section, for such uses and purposes as may be deemed desirable even though not in conformity with the ~~((urban))~~ community renewal plan ~~((: PROVIDED, That))~~. However, the municipality may, after a public hearing, extend the time for a period not to exceed three years.

(6) Any covenants, restrictions, promises, undertakings, releases, or waivers in favor of a municipality contained in any deed or other instrument accepted by any transferee of property from the municipality or community renewal agency under this chapter, or contained in any document executed by any owner of property in a community renewal area, shall run with the land to the extent provided in the deed, instrument, or other document, so as to bind, and be enforceable by the municipality against, the person accepting or making the deed, instrument, or other document and that person's heirs, successors in interest, or assigns having actual or constructive notice thereof.

NEW SECTION. Sec. 10. A new section is added to chapter 35.81 RCW to read as follows:

(1) The process authorized under this section may occur (a) prior to the purchase of the real property by the municipality, or (b) after the purchase of the real property by the municipality.

(2) A municipality may, by public notice once each week for three consecutive weeks in a legal newspaper in the municipality, or prior to the execution of any contract or deed to sell, lease, or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite statements of interest and qualifications and, at the municipality's option, proposals from any persons interested in undertaking to redevelop or rehabilitate the real property.

(3) The notice required under this section shall identify the area, or portion thereof, the process the municipality will use to evaluate qualifications and, if applicable, proposals submitted by

redevelopers or any persons, and other information relevant to the community renewal project. The notice shall also state that further information, as is available, may be obtained at the offices designated in the notice.

(4)(a) Based on its evaluation of qualifications and, if applicable, proposals, the municipality may select a proposer with whom to negotiate or may select two or more finalists to submit proposals, or to submit more detailed or revised proposals. The municipality may, in its sole discretion, reject all responses or proposals, amend any solicitation to allow modification or supplementation of qualifications or proposals, or waive irregularities in the content or timing of any qualifications or proposals.

(b) The municipality may initiate negotiations with the person selected on the basis of qualifications or proposals. If the municipality does not enter into a contract with that person, it may (i) enter into negotiations with the person that submitted the next highest ranked qualifications or proposal, (ii) solicit additional proposals using a process permitted by RCW 35.81.090, or (iii) otherwise dispose of or retain the real property consistent with the provisions of this chapter. A municipality shall not be required to select or enter into a contract with any proposer or to compensate any proposer for the cost of preparing a proposal or negotiating with the municipality.

(c) A municipality, with approval of its legislative authority, may select and enter into a contract with more than one proposer to carry out different aspects or parts of a community renewal plan.

Sec. 11. RCW 35.81.100 and 1983 c 167 s 64 are each amended to read as follows:

(1) A municipality shall have the power to issue bonds from time to time in its discretion to finance the undertaking of any ~~((urban))~~ community renewal project under this chapter, including, without limiting the generality ~~((thereof))~~ of this power, the payment of principal and interest upon any advances for surveys and plans for ~~((urban))~~ community renewal projects, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall not pledge the general credit of the municipality and shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from, or held in connection with, its undertaking and carrying out of ~~((urban))~~ community renewal projects under this chapter ~~(; PROVIDED, That)~~. However, the payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant, or contribution from the municipality, the federal government, or from other sources, in aid of any ((urban)) community renewal projects of the municipality under this chapter.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this chapter are declared to be issued for an essential public and governmental purpose, and together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either coupon or registered as provided in RCW 39.46.030, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than ninety-eight percent of par at public or private sale, or may be exchanged for other bonds on the basis of par: **PROVIDED, That** such bonds may be sold to the federal government at private sale at not less than par and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at public or private sale at not less than ninety-eight percent of par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(5)(a) The municipality may annually pay into a fund to be established for the benefit of such bonds any and all excess of the taxes received by it from the same property over and above the average of the annual taxes authorized without vote for a five-year period immediately preceding the acquisition of the property by the municipality for renewal purposes, such payment to continue until such time as all bonds payable from the fund are paid in full. Any other taxing unit ~~((in a municipality))~~ that receives property tax revenues from property in the community renewal area is authorized to allocate ~~((a like amount of such))~~ excess taxes, computed in the same manner, to the municipality or municipalities in which it is situated.

(b) In addition to the excess property tax revenues from property in the community renewal area, authorized in this subsection, the municipality may annually pay into the fund, established in this subsection, any and all excess of the excise tax received by it from business activity in the community renewal area over and above the average of the annual excise tax collected for a five-year period immediately preceding the establishment of a community renewal area. The payment may continue until all the bonds payable from the fund are paid in full. Any other taxing unit that receives excise tax from business activity in the community renewal area is authorized to allocate excess excise tax, computed in the same manner, to the municipality or municipalities in which it is situated. As used in this subsection, "excise tax" means a local retail sales and use tax authorized in chapter 82.14 RCW. The legislature declares that it is a proper purpose of a municipality to allocate an excise tax for purposes of a community renewal project under this chapter.

(6) In case any of the public officials of the municipality whose signatures appear on any bonds or any coupons issued under this chapter shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds, issued pursuant to this chapter shall be fully negotiable.

(7) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with ~~((an urban))~~ a community renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this chapter.

(8) Notwithstanding subsections (1) through (7) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 12. RCW 35.81.110 and 1965 c 7 s 35.81.110 are each amended to read as follows:

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a municipality ~~((pursuant to))~~ under this chapter ~~((: PROVIDED, That such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of, and the interest on, such bonds or other obligations at their maturity))~~. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

NEW SECTION. Sec. 13. A new section is added to chapter 35.81 RCW to read as follows:

(1) A community renewal agency may establish local improvement districts within the community renewal area, and levy special assessments, in annual installments extending over a period not exceeding twenty years on all property specially benefited by the local improvement, on the basis of special benefits, to pay in whole or in part the damages or costs of the local improvement, and issue local improvement bonds to be paid from local improvement assessments. The formation of the local improvement districts, the determination, levy, and collection of such assessments, and the issuance of such bonds shall be as provided for the formation of local improvement districts, the determination, levy, and collection of local improvement assessments, and the issuance of local improvement bonds by cities and towns, insofar as consistent with this chapter. These bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, the bonds authorized under subsection (1) of this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 35.81 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district created under section 13 of this act shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased benefit the improvement adds to the property.

Sec. 15. RCW 35.81.120 and 1965 c 7 s 35.81.120 are each amended to read as follows:

(1) All property of a municipality, including funds, owned or held by it for the purposes of this chapter, shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against a municipality be a charge or lien upon such property: PROVIDED, That the provisions of this section shall not apply to, or limit the right of, obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this chapter by a municipality on its rents, fees, grants, or revenues from ~~((urban))~~ community renewal projects.

(2) The property of a municipality, acquired or held for the purposes of this chapter, is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state, or any political subdivision thereof: PROVIDED, That such tax exemption shall terminate when the municipality sells, leases, or otherwise disposes of such property in ~~((an-urban))~~ a community renewal area to a purchaser or lessee ~~((which))~~ that is not a public body or other organization normally entitled to tax exemption with respect to such property.

Sec. 16. RCW 35.81.130 and 1965 c 7 s 35.81.130 are each amended to read as follows:

~~((4))~~ For the purpose of aiding in the planning, undertaking, or carrying out of ~~((an-urban))~~ a community renewal project located within the area in which it is authorized to act, any public body authorized by law or by this chapter, may, upon such terms, with or without consideration, as it may determine: ~~((a))~~ (1) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or other rights or privileges therein to a municipality or other public body; ~~((b))~~ (2) incur the entire expense of any public improvements made by ~~((such))~~ a public body, in exercising the powers granted in this section; ~~((c))~~ (3) do any and all things necessary to aid or cooperate in the planning or carrying out of ~~((an-urban))~~ a community renewal plan; ~~((d))~~ (4) lend, grant, or contribute funds, including without limitation any funds derived from bonds issued or other borrowings authorized in this chapter, to a municipality or other public body and, subject only to any applicable constitutional limits, to any other person; ~~((e))~~ (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a municipality or other public body respecting action to be taken pursuant to any of the powers granted by this chapter, including the furnishing of funds or other assistance in connection with ~~((an-urban))~~ a community renewal project~~((and (f)))~~; (6) cause public building and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works ~~((which))~~ that it is otherwise empowered to undertake to be furnished; furnish, dedicate, close,

vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; (7) abate environmental problems; (8) plan or replan, zone or rezone any part of the ((urban)) community renewal area; and (9) provide such administrative and other services as may be deemed requisite to the efficient exercise of the powers herein granted.

~~((2) Any sale, conveyance, lease, or agreement provided for in this section shall be made by a public body with appraisal, public notice, advertisement, or public bidding in accordance with the provisions of RCW 35.81.090(2).))~~

Sec. 17. RCW 35.81.150 and 1965 c 7 s 35.81.150 are each amended to read as follows:

(1) A municipality may itself exercise its ((urban)) community renewal project powers ~~((as herein defined))~~ or may, if the local governing body by ordinance or resolution determines such action to be in the public interest, elect to have such powers exercised by the ((urban)) community renewal agency ~~((created by RCW 35.81.160))~~ or a department or other officers of the municipality or by any ~~((existing))~~ other public body ~~((corporate, as they are authorized to exercise under this chapter))~~.

(2) In the event the local governing body ~~((makes such determination))~~ determines to have the powers exercised by the community renewal agency, such body may authorize the ((urban)) community renewal agency or department or other officers of the municipality to exercise any of the following ((urban)) community renewal project powers:

(a) To formulate and coordinate a workable program as specified in RCW 35.81.040.

(b) To prepare ((urban)) community renewal plans.

(c) To prepare recommended modifications to ~~((an urban))~~ a community renewal project plan.

(d) To undertake and carry out ((urban)) community renewal projects as required by the local governing body.

(e) To acquire, own, lease, encumber, and sell real or personal property. The agency may not acquire real or personal property using the eminent domain process, unless authorized independently of this chapter.

(f) To create local improvement districts under sections 13 and 14 of this act.

(g) To issue bonds from time to time in its discretion to finance the undertaking of any community renewal project under this chapter. The bonds issued under this section must meet the requirements of RCW 35.81.100.

(h) To make and execute contracts as specified in RCW 35.81.070, with the exception of contracts for the purchase or sale of real or personal property.

~~((f))~~ (i) To disseminate blight clearance and ((urban)) community renewal information.

~~((g))~~ (j) To exercise the powers prescribed by RCW 35.81.070(2), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages, shall be reserved to the local governing body.

~~((h))~~ (k) To enter any building or property, in any ((urban)) community renewal area, in order to make surveys and appraisals in the manner specified in RCW 35.81.070~~((3))~~ (6).

~~((i))~~ (l) To improve, clear, or prepare for redevelopment any real or personal property in ~~((an urban))~~ a community renewal area.

~~((j))~~ (m) To insure real or personal property as provided in RCW 35.81.070~~((3))~~ (6).

~~((k))~~ (n) To effectuate the plans provided for in RCW 35.81.070~~((6))~~ (9).

~~((l))~~ (o) To prepare plans for the relocation of families displaced from ~~((an urban))~~ a community renewal area and to coordinate public and private agencies in such relocation.

~~((m))~~ (p) To prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

~~((n))~~ (q) To conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of ((urban)) community renewal projects.

~~((o))~~ (r) To negotiate for the acquisition of land.

~~((p))~~ (s) To study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto.

~~((q))~~ (t) To provide financial and technical assistance to a person or public body, for the purpose of creating or retaining jobs, a substantial portion of which, as determined by the municipality, shall be for persons of low income.

(u) To make payments, grants, and other assistance to, or contract with, existing or new owners and tenants of property in the community renewal area, under RCW 35.81.070.

(v) To organize, coordinate, and direct the administration of the provisions of this chapter.

~~((+))~~ (w) To perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and the performance of the duties and responsibilities entrusted to the local governing body.

Any powers granted in this chapter that are not included in ~~((RCW 35.81.150(2)))~~ this subsection (2) as powers of the ~~((urban))~~ community renewal agency or a department or other officers of a municipality in lieu thereof~~((,))~~ may only be exercised by the local governing body or other officers, boards, and commissions as provided ~~((under existing))~~ by law.

Sec. 18. RCW 35.81.160 and 1965 c 7 s 35.81.160 are each amended to read as follows:

(1) When a municipality has made the finding prescribed in RCW 35.81.050 and has elected to have the ~~((urban))~~ community renewal project powers, as specified in RCW 35.81.150, exercised, such ~~((urban))~~ community renewal project powers may be assigned to a department or other officers of the municipality or to any existing public body corporate, or the legislative body of a ~~((city))~~ municipality may create ~~((an urban))~~ a community renewal agency in such municipality to be known as a public body corporate to which such powers may be assigned.

(2) If the ~~((urban))~~ community renewal agency is authorized to transact business and exercise powers ~~((hereunder))~~ under this chapter, the mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the ~~((urban))~~ community renewal agency which shall consist of five commissioners. The initial membership shall consist of one commissioner appointed for one year, one for two years, one for three years, and two for four years; and each appointment thereafter shall be for four years, except that in the case of death, incapacity, removal, or resignation of a commissioner, the replacement may be appointed to serve the remainder of the commissioner's term.

(3) A commissioner shall receive no compensation for ~~((his))~~ services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his or her duties. Each commissioner shall hold office until ~~((his))~~ a successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers and responsibilities of ~~((an urban))~~ a community renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers and responsibilities of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the municipality.

The ~~((urban))~~ community renewal agency or department or officers exercising ~~((urban))~~ community renewal project powers shall be staffed with the necessary technical experts and such other agents and employees, permanent and temporary, as it may require. An agency authorized to transact business and exercise powers under this chapter shall file, with the local governing body, on or before March 31st of each year, a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a legal newspaper ~~((of general circulation))~~ in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the ~~((city))~~ clerk of the municipality and in the office of the agency.

(4) For inefficiency, neglect of duty, or misconduct in office, a commissioner may be removed by the legislative body of the municipality.

Sec. 19. RCW 35.81.170 and 1965 c 7 s 35.81.170 are each amended to read as follows:

For all of the purposes of this chapter, no person shall, because of race, creed, color, sex, or national origin, be subjected to any discrimination.

Sec. 20. RCW 35.81.180 and 1965 c 7 s 35.81.180 are each amended to read as follows:

No ~~((public))~~ official~~((s))~~ or department or division head of a municipality or ~~((urban))~~ community renewal agency or department or officers ~~((which have been vested by a municipality with urban))~~ with responsibility for making or supervising any decisions in the exercise of community renewal project powers and responsibilities under RCW 35.81.150~~((s))~~ shall voluntarily acquire any interest, direct or indirect, in any ~~((urban))~~ community renewal project, or in any property included or planned to be included in any ~~((urban))~~ community renewal project of such municipality, or in any contract or proposed contract in connection with such ~~((urban))~~ community renewal project. ~~((Where))~~ Whether or not such an acquisition is ~~((not))~~ voluntary, the ~~((interest acquired))~~ person acquiring it shall ~~((be))~~ immediately ~~((disclosed))~~ disclose the interest acquired in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official~~((s))~~ or department or division head owns or controls, or owned or controlled within two years prior to the date of the first public hearing on the ~~((urban))~~ community renewal project, any interest, direct or indirect, in any property ~~((which))~~ that he or she knows is included in ~~((an urban))~~ a community renewal project, he or she shall immediately disclose this fact in writing to the local governing body, and such disclosure shall be entered upon the minutes of the governing body, and any such official~~((s))~~ or department or division head shall not participate in any action on that particular project by the municipality or ~~((urban))~~ community renewal agency~~((, department, or officers which have been vested with urban renewal project powers by the municipality pursuant to the provisions of RCW 35.81.150. A majority of the commissioners of an urban renewal agency exercising powers pursuant to this chapter shall not hold any other public office under the municipality other than their commissionership or office with respect to such urban renewal agency, department, or officers))~~. Any willful violation of the provisions of this section shall constitute misconduct in office.

Sec. 21. RCW 35.81.910 and 1965 c 7 s 35.81.910 are each amended to read as follows:

This chapter shall be known and may be cited as the "~~((Urban))~~ Community Renewal Law."

Sec. 22. RCW 35.82.070 and 1993 c 478 s 17 are each amended to read as follows:

An authority shall constitute a public body corporate and politic, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers in addition to others herein granted:

(1) To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments, including but not limited to partnership agreements and joint venture agreements, necessary or convenient to the exercise of the powers of the authority; to participate in the organization or the operation of a nonprofit corporation which has as one of its purposes to provide or assist in the provision of housing for persons of low income; and to make and from time to time amend and repeal bylaws, rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority.

(2) Within its area of operation: To prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to agree to rent or sell dwellings forming part of the projects to or for persons of low income. Where an agreement or option is made to sell a dwelling to a person of low income, the authority may convey the dwelling to the person upon fulfillment of the agreement irrespective of whether the person is at the time of the conveyance a person of low income. Leases, options, agreements, or conveyances may include such covenants as the authority deems appropriate to assure the achievement of the objectives of this chapter.

(3) To acquire, lease, rent, sell, or otherwise dispose of any commercial space located in buildings or structures containing a housing project or projects.

(4) To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works, or facilities for, or in connection with, a housing project or the occupants thereof; and (notwithstanding anything to the contrary contained in this chapter or in any other provision of law) to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractors comply with requirements as to minimum wages and maximum

hours of labor, and comply with any conditions which the federal government may have attached to its financial aid of the project.

(5) To lease or rent any dwellings, houses, accommodations, lands, buildings, structures or facilities embraced in any housing project and (subject to the limitations contained in this chapter) to establish and revise the rents or charges therefor; to own or manage buildings containing a housing project or projects as well as commercial space or other dwelling units that do not constitute a housing project as that term is defined in this chapter(~~(: PROVIDED, That)~~). However, notwithstanding the provisions under subsection (1) of this section, dwelling units made available or sold to persons of low income, together with functionally related and subordinate facilities, shall occupy at least fifty percent of the interior space in the total development owned by the authority or at least fifty percent of the total number of units in the development owned by the authority, whichever produces the greater number of units for persons of low income, and for mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park owned by the authority; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise including financial assistance and other aid from the state or any public body, person or corporation, any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interest therein; to sell, lease, exchange, transfer, or dispose of any real or personal property or interest therein at less than fair market value to a governmental entity for any purpose when such action assists the housing authority in carrying out its powers and purposes under this chapter, to a low-income person or family for the purpose of providing housing for that person or family, or to a nonprofit corporation provided the nonprofit corporation agrees to sell the property to a low-income person or family or to use the property for the provision of housing for persons of low income for at least twenty years; to insure or provide for the insurance of any real or personal property or operations of the authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

(6) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be canceled.

(7) Within its area of operation: To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problem of clearing, replanning and reconstructing of slum areas, and the problem of providing dwelling accommodations for persons of low income, and to cooperate with the city, the county, the state or any political subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

(8) Acting through one or more commissioners or other person or persons designated by the authority: To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information; to administer oaths, issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are outside of the state or unable to attend before the authority, or excused from attendance; to make available to appropriate agencies (including those charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or insanitary structures within its area of operation) its findings and recommendations with regard to any building or property where conditions exist which are dangerous to the public health, morals, safety or welfare.

(9) To initiate eviction proceedings against any tenant as provided by law. Activity occurring in any housing authority unit that constitutes a violation of chapter 69.41, 69.50 or 69.52 RCW shall constitute a nuisance for the purpose of RCW 59.12.030(5).

(10) To exercise all or any part or combination of powers herein granted.

No provisions of law with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

(11) To agree (notwithstanding the limitation contained in RCW 35.82.210) to make such payments in lieu of taxes as the authority finds consistent with the achievement of the purposes of this chapter.

(12) Upon the request of a county or city, to exercise any powers of ~~((an urban))~~ a community renewal agency under chapter 35.81 RCW or a public corporation, commission, or authority under chapter 35.21 RCW. ~~((However, in the exercise of any such powers the housing authority shall be subject to any express limitations contained in this chapter.))~~

(13) To exercise the powers granted in this chapter within the boundaries of any city, town, or county not included in the area in which such housing authority is originally authorized to function: PROVIDED, HOWEVER, The governing or legislative body of such city, town, or county, as the case may be, adopts a resolution declaring that there is a need for the authority to function in such territory.

(14) To administer contracts for assistance payments to persons of low income in accordance with section 8 of the United States Housing Act of 1937, as amended by Title II, section 201 of the Housing and Community Development Act of 1974, P.L. 93-383.

(15) To sell at public or private sale, with or without public bidding, for fair market value, any mortgage or other obligation held by the authority.

(16) To the extent permitted under its contract with the holders of bonds, notes, and other obligations of the authority, to consent to any modification with respect to rate of interest, time and payment of any installment of principal or interest security, or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract or agreement of any kind to which the authority is a party.

(17) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans to persons of low income to enable them to acquire, construct, reconstruct, rehabilitate, improve, lease, or refinance their dwellings, and to take such security therefor as is deemed necessary and prudent by the authority.

(18) To make, purchase, participate in, invest in, take assignments of, or otherwise acquire loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons of low income. For purposes of this subsection, development shall include either land or buildings or both.

(a) Any development financed under this subsection shall be subject to an agreement that for at least twenty years the dwelling units made available to persons of low income together with functionally related and subordinate facilities shall occupy at least fifty percent of the interior space in the total development or at least fifty percent of the total number of units in the development, whichever produces the greater number of units for persons of low income. For mobile home parks, the mobile home lots made available to persons of low income shall be at least fifty percent of the total number of mobile home lots in the park. During the term of the agreement, the owner shall use its best efforts in good faith to maintain the dwelling units or mobile home lots required to be made available to persons of low income at rents affordable to persons of low income. The twenty-year requirement under this subsection (18)(a) shall not apply when an authority finances the development by nonprofit corporations or governmental units of dwellings or mobile home lots intended for sale to persons of low and moderate income, and shall not apply to construction or other short-term financing provided to nonprofit corporations or governmental units when the financing has a repayment term of one year or less.

(b) In addition, if the development is owned by a for-profit entity, the dwelling units or mobile home lots required to be made available to persons of low income shall be rented to persons whose incomes do not exceed fifty percent of the area median income, adjusted for household size, and shall have unit or lot rents that do not exceed fifteen percent of area median income, adjusted for household size, unless rent subsidies are provided to make them affordable to persons of low income.

For purposes of this subsection (18)(b), if the development is owned directly or through a partnership by a governmental entity or a nonprofit organization, which nonprofit organization is itself not controlled by a for-profit entity or affiliated with any for-profit entity that a nonprofit organization itself does not control, it shall not be treated as being owned by a for-profit entity when the

governmental entity or nonprofit organization exercises legal control of the ownership entity and in addition, (i) the dwelling units or mobile home lots required to be made available to persons of low income are rented to persons whose incomes do not exceed sixty percent of the area median income, adjusted for household size, and (ii) the development is subject to an agreement that transfers ownership to the governmental entity or nonprofit organization or extends an irrevocable right of first refusal to purchase the development under a formula for setting the acquisition price that is specified in the agreement.

(c) Commercial space in any building financed under this subsection that exceeds four stories in height shall not constitute more than twenty percent of the interior area of the building. Before financing any development under this subsection the authority shall make a written finding that financing is important for project feasibility or necessary to enable the authority to carry out its powers and purposes under this chapter.

(19) To contract with a public authority or corporation, created by a county, city, or town under RCW 35.21.730 through 35.21.755, to act as the developer for new housing projects or improvement of existing housing projects.

Sec. 23. RCW 35.21.730 and 1985 c 332 s 1 are each amended to read as follows:

In order to improve the administration of authorized federal grants or programs, to improve governmental efficiency and services, or to improve the general living conditions in the urban areas of the state, any city, town, or county may by lawfully adopted ordinance or resolution:

(1) Transfer to any public corporation, commission, or authority created (~~(hereunder)~~) under this section, with or without consideration, any funds, real or personal property, property interests, or services;

(2) Organize and participate in joint operations or cooperative organizations funded by the federal government when acting solely as coordinators or agents of the federal government;

(3) Continue federally-assisted programs, projects, and activities after expiration of contractual term or after expending allocated federal funds as deemed appropriate to fulfill contracts made in connection with such agreements or as may be proper to permit an orderly readjustment by participating corporations, associations, or individuals;

(4) Enter into contracts with public corporations, commissions, and authorities for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW; and

(5) Create public corporations, commissions, and authorities to: Administer and execute federal grants or programs; receive and administer private funds, goods, or services for any lawful public purpose; and perform any lawful public purpose or public function. The ordinance or resolution shall limit the liability of such public corporations, commissions, and authorities to the assets and properties of such public corporation, commission, or authority in order to prevent recourse to such cities, towns, or counties or their assets or credit.

Sec. 24. RCW 35.21.745 and 1985 c 332 s 2 are each amended to read as follows:

(1) Any city, town, or county which shall create a public corporation, commission, or authority pursuant to RCW 35.21.730 or 35.21.660, shall provide for its organization and operations and shall control and oversee its operation and funds in order to correct any deficiency and to assure that the purposes of each program undertaken are reasonably accomplished.

(2) Any public corporation, commission, or authority created as provided in RCW 35.21.730 may be empowered to own and sell real and personal property; to contract with a city, town, or county to conduct community renewal activities under chapter 35.81 RCW; to contract with individuals, associations, and corporations, and the state and the United States; to sue and be sued; to loan and borrow funds and issue bonds and other instruments evidencing indebtedness; transfer any funds, real or personal property, property interests, or services; to do anything a natural person may do; and to perform all manner and type of community services(~~(: PROVIDED, That such)~~). However, the public corporation, commission, or authority shall have no power of eminent domain nor any power to levy taxes or special assessments.

Sec. 25. RCW 35.57.020 and 1999 c 165 s 2 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

~~((3))~~ (4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

~~((4))~~ (5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

~~((5))~~ (6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

Sec. 26. RCW 36.100.010 and 1995 3rd sp.s. c 1 s 301 are each amended to read as follows:

(1) A public facilities district may be created in any county and shall be coextensive with the boundaries of the county.

(2) A public facilities district shall be created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) No taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may enter into contracts with a county for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(7) The county legislative authority or the city council may transfer property to the public facilities district created under this chapter. No property that is encumbered with debt or that is in need of major capital renovation may be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

NEW SECTION. **Sec. 27.** A new section is added to chapter 53.08 RCW to read as follows:

A port district may enter into a contract with any city, town, or county for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

NEW SECTION. Sec. 28. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 29. (1) This act does not impair any authority granted, any actions undertaken, or any liability or obligation incurred under the sections amended in this act or under any rule, order, plan, or project adopted under those sections, nor does it impair any proceedings instituted under those sections.

(2) Any power granted in this act with respect to a community renewal plan, and any process authorized for the exercise of the power, may be used by any municipality in implementing any urban renewal plan or project adopted under chapter 35.81 RCW, to the same extent as if the plan were adopted as a community renewal plan.

(3) This act shall be liberally construed.

NEW SECTION. Sec. 30. (1) RCW 35.81.010 is recodified as RCW 35.81.015.

(2) RCW 35.81.020 is recodified as RCW 35.81.005."

On page 1, line 1 of the title, after "renewal;" strike the remainder of the title and insert "amending RCW 35.81.010, 35.81.020, 35.81.030, 35.81.040, 35.81.050, 35.81.060, 35.81.070, 35.81.080, 35.81.090, 35.81.100, 35.81.110, 35.81.120, 35.81.130, 35.81.150, 35.81.160, 35.81.170, 35.81.180, 35.81.910, 35.82.070, 35.21.730, 35.21.745, 35.57.020, and 36.100.010; adding a new section to chapter 53.08 RCW; adding new sections to chapter 35.81 RCW; creating a new section; and recodifying RCW 35.81.010 and 35.81.020."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2357 and advanced the bill as amended by the Senate to final passage.

Representatives Veloria and Van Luven spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2357 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2357 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2357.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2446, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.20 RCW to read as follows:

For any new or revised water system plan submitted for review under this chapter, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general comprehensive plan. For rejections of plans or extensions of the timeline, the department shall provide in writing, to the person or entity submitting the plan, the reason for such action. In addition, the person or entity submitting the plan and the department may mutually agree to an extension of the deadlines contained in this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 57.16 RCW to read as follows:

For any new or revised sewer general comprehensive plan submitted by a water-sewer district for review under this chapter, the appropriate state agency shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The appropriate state agency may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general comprehensive plan. For rejections of plans or extensions of the timeline, the appropriate state agency shall provide in writing to the water-sewer district the reason for such action. In addition, the governing body of the water-sewer district and the appropriate state agency may mutually agree to an extension of the deadlines contained in this section.

NEW SECTION. **Sec. .3** A new section is added to chapter 70.116 RCW to read as follows:

For any new or revised water or sewer system plan submitted for review under this chapter, the department of health shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department of health may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general comprehensive plan. For rejections of plans or extensions of the timeline, the department shall provide in writing, to the person or entity submitting the plan, the reason for such action. In addition, the person or entity submitting the plan and the department of health may mutually agree to an extension of the deadlines contained in this section.

Sec. 4. RCW 90.48.020 and 1995 c 255 s 7 are each amended to read as follows:

Whenever the word "person" is used in this chapter, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever.

Wherever the words "waters of the state" shall be used in this chapter, they shall be construed to include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of

the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Wherever the word "department" is used in this chapter it shall mean the department of ecology.

Whenever the word "director" is used in this chapter it shall mean the director of ecology.

Whenever the words "aquatic noxious weed" are used in this chapter, they have the meaning prescribed under RCW 17.26.020.

Whenever the words "general sewer plan" are used in this chapter they shall be construed to include all sewerage general plans, sewer general comprehensive plans, plans for a system of sewerage, and other plans for sewer systems adopted by a local government entity including but not limited to cities, towns, public utility districts, and water-sewer districts.

Sec. 5. RCW 90.48.110 and 1994 c 118 s 1 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section."

On page 1, line 2 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 90.48.020 and 90.48.110; adding a new section to chapter 43.20 RCW; adding a new section to chapter 57.16 RCW; and adding a new section to chapter 70.116 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2446 and advanced the bill as amended by the Senate to final passage.

Representatives Dunshee and Mulliken spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2446 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2446 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2446.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2453, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The protection from identity theft for veterans who choose to file their discharge papers with the county auditor is a matter of gravest concern. At the same time, the integrity of the public record of each county is a matter of utmost importance to the economic life of this state and to the right of each citizen to be secure in his or her ownership of real property and other rights and obligations of our citizens that rely upon the public record for their proof. Likewise the integrity of the public record is essential for the establishment of ancestral ties that may be of interest to this and future generations. While the public record as now kept by the county auditors is sufficient by itself for the accomplishment of these and many other public and private purposes, the proposed use of the public record for purposes that in their nature and intent are not public, so as to keep the veterans' discharge papers from disclosure to those of ill intent, causes concern among many segments of the population of this state.

In order to voice these concerns effectively and thoroughly, a working group may be convened by the joint committee on veterans' and military affairs to develop a means to preserve the integrity of the public record while protecting those veterans from identity theft.

Sec. 2. RCW 42.17.310 and 2001 c 278 s 1, 2001 c 98 s 2, and 2001 c 70 s 1 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (i) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (ii) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed prior to July 28, 1991, with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to export projects pursuant to RCW 43.23.035.

(p) Financial disclosures filed by private vocational schools under chapters 28B.85 and 28C.10 RCW.

(q) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095.

(r) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.163, 43.160, 43.330, and

43.168 RCW, or during application for economic development loans or program services provided by any local agency.

(s) Membership lists or lists of members or owners of interests of units in timeshare projects, subdivisions, camping resorts, condominiums, land developments, or common-interest communities affiliated with such projects, regulated by the department of licensing, in the files or possession of the department.

(t) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(u) The residential addresses or residential telephone numbers of employees or volunteers of a public agency which are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency.

(v) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order.

(w)(i) The federal social security number of individuals governed under chapter 18.130 RCW maintained in the files of the department of health, except this exemption does not apply to requests made directly to the department from federal, state, and local agencies of government, and national and state licensing, credentialing, investigatory, disciplinary, and examination organizations; (ii) the current residential address and current residential telephone number of a health care provider governed under chapter 18.130 RCW maintained in the files of the department, if the provider requests that this information be withheld from public inspection and copying, and provides to the department an accurate alternate or business address and business telephone number. On or after January 1, 1995, the current residential address and residential telephone number of a health care provider governed under RCW 18.130.040 maintained in the files of the department shall automatically be withheld from public inspection and copying unless the provider specifically requests the information be released, and except as provided for under RCW 42.17.260(9).

(x) Information obtained by the board of pharmacy as provided in RCW 69.45.090.

(y) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420.

(z) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW.

(aa) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information.

(bb) Financial and valuable trade information under RCW 51.36.120.

(cc) Client records maintained by an agency that is a domestic violence program as defined in RCW 70.123.020 or 70.123.075 or a rape crisis center as defined in RCW 70.125.030.

(dd) Information that identifies a person who, while an agency employee: (i) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (ii) requests his or her identity or any identifying information not be disclosed.

(ee) Investigative records compiled by an employing agency conducting a current investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment.

(ff) Business related information protected from public inspection and copying under RCW 15.86.110.

(gg) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW.

(hh) Information and documents created specifically for, and collected and maintained by a quality improvement committee pursuant to RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW 4.24.250, regardless of which agency is in possession of the information and documents.

(ii) Personal information in files maintained in a data base created under RCW 43.07.360.

(jj) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010.

(kk) Names of individuals residing in emergency or transitional housing that are furnished to the department of revenue or a county assessor in order to substantiate a claim for property tax exemption under RCW 84.36.043.

(ll) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service. However, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides.

(mm) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons.

(nn) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media, or to the news media when reporting on public transportation or public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety.

(oo) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310. If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this section as exempt from disclosure. If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality.

(pp) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110.

(qq) Financial and commercial information supplied by or on behalf of a person, firm, corporation, or entity under chapter 28B.95 RCW relating to the purchase or sale of tuition units and contracts for the purchase of multiple tuition units.

(rr) Any records of investigative reports prepared by any state, county, municipal, or other law enforcement agency pertaining to sex offenses contained in chapter 9A.44 RCW or sexually violent offenses as defined in RCW 71.09.020, which have been transferred to the Washington association of sheriffs and police chiefs for permanent electronic retention and retrieval pursuant to RCW 40.14.070(2)(b).

(ss) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers supplied to an agency for the purpose of electronic transfer of funds, except when disclosure is expressly required by law.

(tt) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a liquor license, gambling license, or lottery retail license.

(uu) Records maintained by the employment security department and subject to chapter 50.13 RCW if provided to another individual or organization for operational, research, or evaluation purposes.

(vv) Individually identifiable information received by the work force training and education coordinating board for research or evaluation purposes.

(ww) Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans, either of which is intended to prevent or mitigate criminal terrorist acts as defined in RCW 70.74.285, the public disclosure of which would have a substantial likelihood of threatening public safety.

(xx) Commercial fishing catch data from logbooks required to be provided to the department of fish and wildlife under RCW 77.12.047, when the data identifies specific catch location, timing, or methodology and the release of which would result in unfair competitive disadvantage to the commercial fisher providing the catch data. However, this information may be released to government agencies concerned with the management of fish and wildlife resources.

(yy) Sensitive wildlife data obtained by the department of fish and wildlife. However, sensitive wildlife data may be released to government agencies concerned with the management of fish and wildlife resources. Sensitive wildlife data includes:

(i) The nesting sites or specific locations of endangered species designated under RCW 77.12.020, or threatened or sensitive species classified by rule of the department of fish and wildlife;

(ii) Radio frequencies used in, or locational data generated by, telemetry studies; or

(iii) Other location data that could compromise the viability of a specific fish or wildlife population, and where at least one of the following criteria are met:

(A) The species has a known commercial or black market value;

(B) There is a history of malicious take of that species; or

(C) There is a known demand to visit, take, or disturb, and the species behavior or ecology renders it especially vulnerable or the species has an extremely limited distribution and concentration.

(zz) The personally identifying information of persons who acquire recreational licenses under RCW 77.32.010 or commercial licenses under chapter 77.65 or 77.70 RCW, except name, address of contact used by the department, and type of license, endorsement, or tag. However, the department of fish and wildlife may disclose personally identifying information to:

(i) Government agencies concerned with the management of fish and wildlife resources;

(ii) The department of social and health services, child support division, and to the department of licensing in order to implement RCW 77.32.014 and 46.20.291; and

(iii) Law enforcement agencies for the purpose of firearm possession enforcement under RCW 9.41.040.

(aaa)(i) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(ii) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iii) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(iv) For the purposes of this subsection (1)(aaa), next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 3. RCW 73.04.030 and 1989 c 50 s 1 are each amended to read as follows:

Each county auditor of the several counties of the state of Washington shall record upon presentation without expense, in a suitable permanent record the discharge of any veteran of the armed forces of the United States who is residing in the state of Washington.

The department of veterans affairs, in consultation with the association of county auditors, shall develop and distribute to county auditors the form referred to in RCW 42.17.310(1)(aaa) entitled "request for exemption from public disclosure of discharge papers."

The county auditor may charge a basic recording fee and preservation fee that together shall not exceed a total of seven dollars for the recording of the "request for exemption from public disclosure of discharge papers."

County auditors shall develop a form for requestors of military discharge papers (form DD214) to verify that the requestor is authorized to receive or view the military discharge paper.

NEW SECTION. Sec. 4. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "inspection;" strike the remainder of the title and insert "amending RCW 73.04.030; reenacting and amending RCW 42.17.310; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2453 and advanced the bill as amended by the Senate to final passage.

Representative Bush spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2453 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase,

Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Engrossed Substitute House Bill No. 2453 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2353.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2496, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.52.052 and 1996 c 230 s 1615 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district, except school districts and fire protection districts, in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. As used in this section, the term "taxing district" means any county, metropolitan park district, park and recreation service area, park and recreation district, water-sewer district, solid waste disposal district, public facilities district, flood control zone district, county rail district, service district, public hospital district, road district, rural county library district, island library district, rural partial-county library district, intercounty rural library district, ~~((fire protection district,))~~ cemetery district, city, town, transportation benefit district, emergency medical service district with a population density of less than one thousand per square mile, or cultural arts, stadium, and convention district.

Any such taxing district may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or 84.55.010 through 84.55.050, when authorized so to do by the voters of such taxing district in the manner set forth in Article VII, section 2(a) of the Constitution of this state at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any such taxing district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no."

NEW SECTION. **Sec. 2.** A new section is added to chapter 84.52 RCW to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by a fire protection district, when authorized so to do by the voters of a fire protection district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for taxes shall be held in the year in which the

levy is made, or in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a fire district, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of fire district facilities, in the year in which the first annual levy is made. Once additional tax levies have been authorized for maintenance and operation support of a fire protection district for a two-year through four-year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time fixed by the fire protection district commissioners, by giving notice by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing the excess levy shall be submitted in a form as to enable the voters favoring the proposition to vote "yes" and those opposed to vote "no."

Sec. 3. RCW 52.16.130 and 1989 c 63 s 27 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of a district may levy each year, in addition to the levy or levies provided in RCW 52.16.080 for the payment of the principal and interest of any outstanding general obligation bonds, an ad valorem tax on all taxable property located in the district not to exceed fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except the levy for the retirement of general obligation bonds, exceed one dollar per thousand dollars of assessed value. Levies in excess of one dollar per thousand dollars of assessed value or in excess of the aggregate dollar rate limitations or both may be made for any district purpose when so authorized at a special election under ~~((RCW 84.52.052))~~ section 2 of this act. Any such tax when levied shall be certified to the proper county officials for the collection of the tax as for other general taxes. The taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which all, or the largest portion of, the district is located, upon authorization of the board of fire commissioners of the district.

NEW SECTION. **Sec. 4.** This act takes effect January 1, 2003, if the proposed amendment to Article VII, section 2 of the state Constitution authorizing multiyear excess property tax levies is validly submitted to and approved by the voters at the next general election. If the proposed amendment is not approved, this act is void in its entirety."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 84.52.052 and 52.16.130; adding a new section to chapter 84.52 RCW; and providing a contingent effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2496 and advanced the bill as amended by the Senate to final passage.

Representatives Dunshee and Mulliken spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2496 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville,

Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

House Bill No. 2496 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2496.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2505, with the following amendment:

On page 1 line 7 of the amendment, after "she:" strike "(a)"

On page 1, line 12 of the amendment, after "disorder" strike all the material down to and including "disorder" on line 17

On page 1, line 10, after "significant" insert "bodily"

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2505 and advanced the bill as amended by the Senate to final passage.

Representatives Morell and O'Brien spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2505 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers,

Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Engrossed Substitute House Bill No. 2505 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed Substitute House Bill No. 2505.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2568, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.44 RCW to read as follows:

(1) The department must investigate referrals of alleged child abuse or neglect occurring at the state school for the deaf, including alleged incidents involving students abusing other students; determine whether there is a finding of abuse or neglect; and determine whether a referral to law enforcement is appropriate under this chapter.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect at the state school for the deaf to the school's superintendent. The department may include recommendations to the superintendent and the board of trustees or its successor board for increasing the safety of the school's students.

NEW SECTION. Sec. 2. A new section is added to chapter 72.40 RCW to read as follows:

(1) The department of social and health services must periodically monitor the residential program at the state school for the deaf, including but not limited to examining the residential-related policies and procedures as well as the residential facilities. The department of social and health services must make recommendations to the school's superintendent and the board of trustees or its successor board on health and safety improvements related to child safety and well-being. The department of social and health services must conduct the monitoring reviews at least quarterly until December 1, 2006.

(2) The department of social and health services must conduct a comprehensive child health and safety review, as defined in rule, of the residential program at the state school for the deaf every three years. The department of social and health services must deliver the first health and safety review to the governor, the legislature, the school's superintendent, and the school's board of trustees or successor board by December 1, 2004.

(3) The state school for the deaf must provide the department of social and health services' staff with full and complete access to all records and documents that the department staff may request to carry out the requirements of this section. The department of social and health services must have full and complete access to all students and staff of the state school for the deaf to conduct interviews to carry out the requirements of this section.

(4) For the purposes of this section, the department of social and health services must use the safety standards established in this chapter when conducting the reviews."

On page 1, line 3 of the title, after "deaf;" strike the remainder of the title and insert "adding a new section to chapter 26.44 RCW; and adding a new section to chapter 72.40 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2568 and advanced the bill as amended by the Senate to final passage.

Representative Dickerson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2568 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2568 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2568.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2623, with the following amendment:

On page 1, line 7, after "since" strike "1971" and insert "1986"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 2623 and advanced the bill as amended by the Senate to final passage.

Representatives Hatfield and Mulliken spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2623 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Engrossed House Bill No. 2623 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed House Bill No. 2623.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2641, with the following amendment:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the application of the business and occupation tax deductions provided in RCW 82.04.4281 for investment income of persons deemed to be "other financial businesses" has been the subject of uncertainty, and therefore, disagreement and litigation between taxpayers and the state. The legislature further finds that the decision of the state supreme court in *Simpson Investment Co. v. Department of Revenue* could lead to a restrictive, narrow interpretation of the deductibility of investment income for business and occupation tax purposes. As a result, the legislature directed the department of revenue to work with affected businesses to develop a revision of the statute that would provide certainty and stability for taxpayers and the state. The legislature intends, by adopting this recommended revision of the statute, to provide a positive environment for capital investment in this state, while continuing to treat similarly situated taxpayers fairly.

Sec. 2. RCW 82.04.4281 and 1980 c 37 s 2 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax:

(a) Amounts derived ((by persons, other than those engaging in banking, loan, security, or other financial businesses,)) from investments ((or the use of money as such, and also));

(b) Amounts derived as dividends or distributions from capital account by a parent from its subsidiary ((corporations)) entities; and

(c) Amounts derived from interest on loans between subsidiary entities and a parent entity or between subsidiaries of a common parent entity, but only if the total investment and loan income is less than five percent of gross receipts of the business annually.

(2) The following are not deductible under subsection (1)(a) of this section:

(a) Amounts received from loans, except as provided in subsection (1)(c) of this section, or the extension of credit to another, revolving credit arrangements, installment sales, the acceptance of payment over time for goods or services, or any of the foregoing that have been transferred by the originator of the same to an affiliate of the transferor; or

(b) Amounts received by a banking, lending, or security business.

(3) The definitions in this subsection apply only to this section.

(a) "Banking business" means a person engaging in business as a national or state-chartered bank, a mutual savings bank, a savings and loan association, a trust company, an alien bank, a foreign bank, a credit union, a stock savings bank, or a similar entity that is chartered under Title 30, 31, 32, or 33 RCW, or organized under Title 12 U.S.C.

(b) "Lending business" means a person engaged in the business of making secured or unsecured loans of money, or extending credit, and (i) more than one-half of the person's gross income is earned from such activities and (ii) more than one-half of the person's total expenditures are incurred in support of such activities.

(c) The terms "loan" and "extension of credit" do not include ownership of or trading in publicly traded debt instruments, or substantially equivalent instruments offered in a private placement.

(d) "Security business" means a person, other than an issuer, who is engaged in the business of effecting transactions in securities as a broker, dealer, or broker-dealer, as those terms are defined in the securities act of Washington, chapter 21.20 RCW, or the federal securities act of 1933. "Security business" does not include any company excluded from the definition of broker or dealer under the federal investment company act of 1940 or any entity that is not an investment company by reason of sections 3(c)(1) and 3(c)(3) through 3(c)(14) thereof.

NEW SECTION. Sec. 3. This act takes effect July 1, 2002."

On page 1, line 3 of the title, after "tax;" strike the remainder of the title and insert "amending RCW 82.04.4281; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2641 and advanced the bill as amended by the Senate to final passage.

Representative Gombosky spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2641 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

House Bill No. 2641 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2641.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2657, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that state-produced agricultural products are of the highest quality, transported the least distance, and are the freshest agricultural products available in Washington state. The legislature further finds that providing improved markets for the richly diversified agricultural commodities produced in Washington is needed to stabilize and enhance the rural and agricultural economies in Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

(1) The department of general administration, through the state purchasing and material control director, shall encourage each state and local agency doing business with the department to purchase Washington fruit, vegetables, and agricultural products when available.

(2) The department of general administration shall work with the department of agriculture and other interested parties to identify and recommend strategies to increase public purchasing of Washington fruit, vegetables, and agricultural products, and report back orally to the appropriate committees of the legislature in September 2002, and in January 2003.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "adding a new section to chapter 43.19 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2657 and advanced the bill as amended by the Senate to final passage.

Representatives Hunt and Schoesler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2657 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit,

Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

House Bill No. 2657 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on House Bill No. 2657.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2663, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Benzene is detected in most fire environments and has been associated with leukemia and multiple myeloma. Given the established exposure to benzene in a fire environment, there is biologic plausibility for fire fighters to be at increased risk of these malignancies;

(b) Increased risks of leukemia and lymphoma have been described in several epidemiologic studies of fire fighters. The risks of leukemia are often two or three times that of the population as a whole, and a two-fold risk of non-Hodgkin's lymphoma has also been found;

(c) Epidemiologic studies assessing fire fighters' cancer risks concluded that there is adequate support for a causal relationship between fire fighting and brain cancer;

(d) Fire fighters are exposed to polycyclic aromatic hydrocarbons as products of combustion and these chemicals have been associated with bladder cancer. The epidemiologic data suggests fire fighters have a three-fold risk of bladder cancer compared to the population as a whole;

(e) A 1990 review of fire fighter epidemiology calculated a statistically significant risk for melanoma among fire fighters;

(f) Fire fighters are exposed to extremely hazardous environments. Potentially lethal products of combustion include particulates and gases and are the major source of fire fighter exposures to toxic chemicals; and

(g) The burning of a typical urban structure containing woods, paints, glues, plastics, and synthetic materials in furniture, carpeting, and insulation liberates hundreds of chemicals. Fire fighters are exposed to a wide variety of potential carcinogens, including polycyclic aromatic hydrocarbons in soots, tars, and diesel exhaust, arsenic in wood preservatives, formaldehyde in wood smoke, and asbestos in building insulation.

(2) The legislature further finds that some occupational diseases resulting from fire fighter working conditions can develop slowly, usually manifesting themselves years after exposure.

Sec. 2. RCW 51.32.185 and 1987 c 515 s 2 are each amended to read as follows:

(1) In the case of fire fighters as defined in RCW 41.26.030(4) (a), (b), and (c) who are covered under Title 51 RCW and fire fighters, including supervisors, employed on a full-time, fully compensated basis as a fire fighter of a private sector employer's fire department that includes over fifty such fire fighters, there shall exist a prima facie presumption that: (a) Respiratory disease ((is ~~an~~)); (b) heart problems that are experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances; (c) cancer; and (d) infectious diseases are occupational diseases under RCW 51.08.140. This presumption of occupational disease may be rebutted by a preponderance of the evidence ((~~controverting the presumption~~)). ((~~Controverting~~)) Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than sixty months following the last date of employment.

(3) The presumption established in subsection (1)(c) of this section shall only apply to any active or former fire fighter who has cancer that develops or manifests itself after the fire fighter has served at least ten years and who was given a qualifying medical examination upon becoming a fire fighter that showed no evidence of cancer. The presumption within subsection (1)(c) of this section shall only apply to primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer.

(4) The presumption established in subsection (1)(d) of this section shall be extended to any fire fighter who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) Beginning July 1, 2003, this section does not apply to a fire fighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a fire fighter from the provisions of this section."

On page 1, line 1 of the title, after "fighters;" strike the remainder of the title and insert "amending RCW 51.32.185; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 2663 and advanced the bill as amended by the Senate to final passage.

Representatives Clements, Conway and Dunshee spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2663 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Second Substitute House Bill No. 2663 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Second Substitute House Bill No. 2663.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 5, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2699, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Strategic lawsuits against public participation, or SLAPP suits, involve communications made to influence a government action or outcome which results in a civil complaint or counterclaim filed against individuals or organizations on a substantive issue of some public interest or social significance. SLAPP suits are designed to intimidate the exercise of First Amendment rights and rights under Article I, section 5 of the Washington state Constitution.

Although Washington state adopted the first modern anti-SLAPP law in 1989, that law has, in practice, failed to set forth clear rules for early dismissal review. Since that time, the United States supreme court has made it clear that, as long as the petitioning is aimed at procuring favorable government action, result, product, or outcome, it is protected and the case should be dismissed. This bill amends Washington law to bring it in line with these court decisions which recognizes that the United States Constitution protects advocacy to government, regardless of content or motive, so long as it is designed to have some effect on government decision making.

Sec. 2. RCW 4.24.510 and 1999 c 54 s 1 are each amended to read as follows:

A person who (~~in good faith~~) communicates a complaint or information to any branch or agency of federal, state, or local government, or to any self-regulatory organization that regulates persons involved in the securities or futures business and that has been delegated authority by a federal, state, or local government agency and is subject to oversight by the delegating agency, is immune from civil liability for claims based upon the communication to the agency or organization regarding any matter reasonably of concern to that agency or organization. A person prevailing upon the defense provided for in this section (~~shall be~~) is entitled to recover (~~costs~~) expenses and reasonable attorneys' fees incurred in establishing the defense and in addition shall receive statutory damages of ten thousand dollars. Statutory damages may be denied if the court finds that the complaint or information was communicated in bad faith."

On page 1, line 2 of the title, after "organizations;" strike the remainder of the title and insert "amending RCW 4.24.510; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2699 and advanced the bill as amended by the Senate to final passage.

Representatives Lantz, Conway and Ahern spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2699 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2699 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2699.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2736, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** It is the policy of the state to encourage basic and applied scientific research by the state's research universities. The creation of knowledge is a core mission of the state's research universities, and research provides teaching and learning opportunities for students and faculty. State of the art facilities for research by research universities serve to attract the most capable students and faculty to the state and research grants from public and private institutions throughout the world. The application of such research stimulates investment and employment within Washington and the strengthening of our tax base. In order to finance research facilities, the state's research universities often use federal, state, private, and university resources and therefore require the authority to enter into financing arrangements that leverage funding sources and reduce the costs of such complex facilities to the state.

NEW SECTION. **Sec. 2.** The University of Washington and Washington State University each may:

(1) Acquire, construct, rehabilitate, equip, and operate facilities and equipment to promote basic and applied research in the sciences;

(2) Borrow money for such research purposes, including interest during construction and other incidental costs, issue revenue bonds or other evidences of indebtedness, refinance the same before or

at maturity, and provide for the amortization of such indebtedness by pledging all or a component of the fees and revenues of the university available for such purpose derived from the ownership and operation of any of its facilities or conducting research that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution;

(3) Enter into leases, with or without an option to purchase, of real and personal property to be used in basic and applied research in the sciences; and

(4) Lease all or a portion of such facilities and equipment as is deemed prudent by the university to provide for research conducted by persons or entities that are not part of the university but that provide rental income to support university research facilities or provide opportunities for the interaction of public and private research and research personnel, including students and faculty.

NEW SECTION. Sec. 3. The governing body of a university financing facilities and equipment under this chapter shall give due regard to the costs of maintaining and operating such facilities and equipment during the useful lives of the facilities and equipment. No state appropriated funds may be used for (1) the payment of maintenance and operation of the facilities and equipment financed under this chapter; or (2) the grant or contract-supported research activities housed in these facilities. If funding through grants or contracts for research activities housed in these facilities is reduced, eliminated, or declared insufficient, the funding deficiencies are not a state obligation to be paid from the state general fund.

NEW SECTION. Sec. 4. The authority granted by this chapter is supplemental to any existing or future authority granted to the University of Washington and Washington State University and shall not be construed to limit the existing or future authority of these universities.

Sec. 5. RCW 28B.10.022 and 1989 c 356 s 6 are each amended to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities, The Evergreen State College, and the state board for community and technical colleges (~~(education)~~), are severally authorized to enter into financing contracts as provided in chapter 39.94 RCW. Except as provided in this section, financing contracts shall be subject to the approval of the state finance committee. Except for facilities financed under chapter 28B.--- RCW (sections 1 through 4 and 7 of this act), the board of regents of a state university may enter into financing contracts which are payable solely from and secured by all or any component of the fees and revenues of the university derived from its ownership and operation of its facilities not subject to appropriation by the legislature and not constituting "general state revenues," as defined in Article VIII, section 1 of the state Constitution, without the prior approval of the state finance committee. The board of regents shall notify the state finance committee at least sixty days prior to entering into such contract and provide information relating to such contract as requested by the state finance committee.

Sec. 6. RCW 39.94.040 and 1998 c 291 s 5 are each amended to read as follows:

(1) Except as provided in RCW 28B.10.022 and chapter 28B.--- RCW (sections 1 through 4 and 7 of this act), the state may not enter into any financing contract for itself if the aggregate principal amount payable thereunder is greater than an amount to be established from time to time by the state finance committee or participate in a program providing for the issuance of certificates of participation, including any contract for credit enhancement, without the prior approval of the state finance committee. Except as provided in RCW 28B.10.022, the state finance committee shall approve the form of all financing contracts or a standard format for all financing contracts. The state finance committee also may:

(a) Consolidate existing or potential financing contracts into master financing contracts with respect to property acquired by one or more agencies, departments, instrumentalities of the state, the state board for community and technical colleges, or a state institution of higher learning; or to be acquired by an other agency;

(b) Approve programs providing for the issuance of certificates of participation in master financing contracts for the state or for other agencies;

(c) Enter into agreements with trustees relating to master financing contracts; and

(d) Make appropriate rules for the performance of its duties under this chapter.

(2) In the performance of its duties under this chapter, the state finance committee may consult with representatives from the department of general administration, the office of financial management, and the department of information services.

(3) With the approval of the state finance committee, the state also may enter into agreements with trustees relating to financing contracts and the issuance of certificates of participation.

(4) The state may not enter into any financing contract for real property of the state without prior approval of the legislature.

(5) The state may not enter into any financing contract on behalf of an other agency without the approval of such a financing contract by the governing body of the other agency.

NEW SECTION. **Sec. 7.** Before January 31st of each year, the University of Washington and Washington State University must report to the ways and means committee of the senate and the capital budget committee of the house of representatives on the financing arrangements entered into under the authority of this chapter.

NEW SECTION. **Sec. 8.** Sections 1 through 4 and 7 of this act constitute a new chapter in Title 28B RCW."

On page 1, line 1 of the title, after "universities;" strike the remainder of the title and insert "amending RCW 28B.10.022 and 39.94.040; and adding a new chapter to Title 28B RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2736 and advanced the bill as amended by the Senate to final passage.

Representatives Esser and Murray spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2736 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2736 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2736.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2748, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.185 RCW to read as follows:

In order to ensure that school districts are meeting the requirements of an approved program for highly capable students, the superintendent of public instruction shall monitor highly capable programs at least once every five years. Monitoring shall begin during the 2002-03 school year.

Any program review and monitoring under this section may be conducted concurrently with other program reviews and monitoring conducted by the office of the superintendent of public instruction. In its review, the office shall monitor program components that include but need not be limited to the process used by the district to identify and reach out to highly capable students with diverse talents and from diverse backgrounds, assessment data and other indicators to determine how well the district is meeting the academic needs of highly capable students, and district expenditures used to enrich or expand opportunities for these students.

Beginning June 30, 2003, and every five years thereafter, the office of the superintendent of public instruction shall submit a report to the education committees of the house of representatives and the senate that provides a brief description of the various instructional programs offered to highly capable students.

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

On page 1, line 2 of the title, after "students;" strike the remainder of the title and insert "and adding a new section to chapter 28A.185 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 2748 and advanced the bill as amended by the Senate to final passage.

Representatives Anderson and Schual-Berke spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2748 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers,

Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Engrossed House Bill No. 2748 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Engrossed House Bill No. 2748.

JEANNE EDWARDS, 1st District

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2767, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 74.08 RCW to read as follows:

(1) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

(a) For the purpose of participating in any of the activities authorized under chapter 9.46 RCW;

(b) For the purpose of parimutuel wagering authorized under chapter 67.16 RCW; or

(c) To purchase lottery tickets or shares authorized under chapter 67.70 RCW.

(2)(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection (1) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection (1) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection (1) of this section.

NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards for the purpose of participating in any of the activities authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act.

NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW to read as follows:

The commission shall consider the provisions of section 2 of this act as elements to be negotiated with federally recognized Indian tribes as provided in RCW 9.46.360.

NEW SECTION. **Sec. 4.** A new section is added to chapter 67.16 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards for the purpose of parimutuel wagering authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act.

NEW SECTION. **Sec. 5.** A new section is added to chapter 67.70 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards to purchase lottery tickets or shares authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act."

On page 1, line 1 of the title, after "cards;" strike the remainder of the title and insert "adding a new section to chapter 74.08 RCW; adding new sections to chapter 9.46 RCW; adding a new section to chapter 67.16 RCW; and adding a new section to chapter 67.70 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2767 and advanced the bill as amended by the Senate to final passage.

Representative Orcutt spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2767 as amended by the Senate and the bill passed the House by the following vote: Yeas - 94, Nays - 0, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 94.

Excused: Representatives Edwards, Lisk, Quall, and Schmidt - 4.

Substitute House Bill No. 2767 as amended by the Senate having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

If I had been present, I would have voted YEA on Substitute House Bill No. 2767.

JEANNE EDWARDS, 1st District

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1521,
SUBSTITUTE HOUSE BILL NO. 2031,
HOUSE BILL NO. 2286,
HOUSE BILL NO. 2313,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2466,
HOUSE BILL NO. 2537,
HOUSE BILL NO. 2550,
SUBSTITUTE HOUSE BILL NO. 2629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2662,
HOUSE BILL NO. 2669,
SUBSTITUTE HOUSE BILL NO. 2800,
HOUSE BILL NO. 2824,
HOUSE BILL NO. 2902,
SUBSTITUTE SENATE BILL NO. 5400,
SENATE BILL NO. 5513,
SENATE BILL NO. 5594,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6060,
SENATE BILL NO. 6292,
SUBSTITUTE SENATE BILL NO. 6342,
SENATE BILL NO. 6379,
SENATE BILL NO. 6381,
SENATE BILL NO. 6416,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6464,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6588,
ENGROSSED SENATE BILL NO. 6675,

MESSAGE FROM THE SENATE

March 11, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5064,
SENATE BILL NO. 5138,
SUBSTITUTE SENATE BILL NO. 5166,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207,
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,
SUBSTITUTE SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 5552,
SUBSTITUTE SENATE BILL NO. 5369,
ENGROSSED SENATE BILL NO. 5624,
ENGROSSED SENATE BILL NO. 5626,
ENGROSSED SENATE BILL NO. 5692,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748,
ENGROSSED SENATE BILL NO. 5954,
SECOND ENGROSSED SENATE BILL NO. 6001,
SUBSTITUTE SENATE BILL NO. 6037,
SECOND SUBSTITUTE SENATE BILL NO. 6080,
ENGROSSED SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6233,

and the same are herewith transmitted.

Brad Hendrickson, Deputy Secretary

SECOND READING

HOUSE BILL NO. 2901, by Representatives Conway, Clements, Reardon, Berkey, Kenney, Santos, Lovick, Chase, Simpson, Wood and Sullivan

Regarding unemployment insurance.

The bill was read the second time.

Representative Conway moved the adoption of amendment (507):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.22.140 and 2000 2nd sp.s. c 1 s 916 are each amended to read as follows:

(1) The employment security department is authorized to pay training benefits under RCW 50.22.150, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. For the fiscal year ending June 30, 2000, the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried ~~((over))~~ forward from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

(2) After June 30, 2002, in addition to the amounts that may be obligated under subsection (1) of this section, the commissioner may obligate up to thirty-four million dollars for training benefits under RCW 50.22.150 for individuals in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411" whose claims are filed before January 5, 2003. The funds provided in this subsection must be fully obligated for training benefits for these individuals before the funds provided in subsection (1) of this section may be obligated for training benefits for these individuals. Any amount of the funds specified in this subsection that is not obligated as permitted may not be carried forward to any future period.

Sec. 2. RCW 50.22.150 and 2000 c 2 s 8 are each amended to read as follows:

(1) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (2) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection ~~((9))~~ (10) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(2) Until June 30, 2002, the following individuals who meet the requirements of subsection (1) of this section may, without regard to the tenure requirements under subsection (1)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(3) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high demand occupation. Beginning July 1, 2001, the assessment of high demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection ~~((9))~~ (10) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the work force training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(5) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhaustees who are eligible under subsection (1) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (2) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. ~~((Beginning with new claims filed after June 30, 2002, for exhaustees eligible under subsection (2) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year)); or~~

(iii) For exhaustees eligible under subsection (1) of this section from industries listed under subsection (2)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(6) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(7)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned the standard industrial code "372" or the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year limitation of this section and without regard to the requirement of subsection (1)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(8) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(9) All base year employers are interested parties to the approval of training and the granting of training benefits.

~~((9))~~ (10) By July 1, 2001, each local work force development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area. Local work force development councils must use state and locally developed labor market information. Thereafter, each local work force development council shall update this information annually or more frequently if needed.

~~((10))~~ (11) The commissioner shall adopt rules as necessary to implement this section.

NEW SECTION. Sec. 3. A new section is added to chapter 50.20 RCW to read as follows:

(1) From July 1, 2002, to June 30, 2004, the maximum amount payable weekly shall be four hundred ninety-six dollars.

(2) From July 1, 2004, to June 30, 2010, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th, except that the maximum amount payable weekly shall not increase by more than four percent each year. If growth in the average annual wage causes growth in the maximum amount payable weekly that exceeds four percent, then fifty percent of the growth rate that exceeds four percent shall be added to the maximum amount payable weekly in any of the subsequent three years. For years in which the potential recaptured growth rate exceeds the growth rate needed to reach four percent, the excess recaptured growth rate is available to be added to the maximum amount payable weekly in the remaining years in the three-year period. Each year, the department shall add any excess recaptured growth rate to the maximum amount payable weekly. Remaining portions of the excess additional growth rate not applied within the three-year period shall lapse. The sum of the growth rate and the excess additional growth rate shall not exceed four percent.

(3) If the maximum amount payable weekly is less than seventy percent of the average weekly wage on June 30, 2010, it shall be restored to seventy percent of the average weekly wage using one of the following methods. The maximum amount payable weekly may be restored: (a) In equal increments in the four fiscal years ending on June 30, 2014; or (b) in increments which, together with the growth rate in the maximum amount payable weekly, do not exceed nine percent in each fiscal year. The applicable method is the method that restores the maximum amount payable weekly to seventy percent of the average weekly wage first.

Sec. 4. RCW 50.20.120 and 1993 c 483 s 12 are each amended to read as follows:

(1) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount (determined hereinafter) or one-third of the individual's base year wages under this title: PROVIDED, That as to any week beginning on and after March 31, 1981, which falls in an extended benefit period as defined in RCW 50.22.010(1), as now or hereafter amended, an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020, as now or hereafter amended.

(2) An individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest. The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th. Except as provided in section 3 of this act, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th. The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th. If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 5. RCW 50.24.010 and 2000 c 2 s 2 are each amended to read as follows:

(1) Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which the employer is subject to this title at the rate established pursuant to chapter 50.29 RCW.

(2) In each rate year, the amount of wages subject to tax for each individual shall be one hundred fifteen percent of the amount of wages subject to tax for the previous year rounded to the next lower one hundred dollars, except that:

(a) For employers assigned under RCW 50.29.025 to rate class 1 through 18, the amount of wages subject to tax in any rate year shall not exceed eighty percent of the "average annual wage for contributions purposes" for the second preceding calendar year rounded to the next lower one hundred

dollars. (~~However, the amount subject to tax shall be twenty four thousand three hundred dollars for rate year 2000.-~~)

(b) For employers assigned under RCW 50.29.025 to rate class 19 through 20E, and contribution paying employers not qualified to be in the array under RCW 50.29.025(6), the amount of wages subject to tax:

(i) For rate year 2003, shall not exceed eighty-five percent of the "average annual wage for contributions purposes" for the second preceding calendar year rounded to the next lower one hundred dollars.

(ii) For rate year 2004 and thereafter, shall not exceed ninety percent of the "average annual wage for contributions purposes" for the second preceding calendar year rounded to the next lower one hundred dollars.

(3) In making computations under this section and RCW 50.29.010, wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

(4)(a) Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

(b) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

Sec. 6. RCW 50.29.020 and 2000 c 2 s 3 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((f) Benefits paid under RCW 50.22.150 shall not be charged to the experience rating account of any contribution paying employer.))~~

(3)(a) A contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 7. RCW 50.29.025 and 2000 c 2 s 4 are each amended to read as follows:

The contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this section.

(1) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(2) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in subsection (5) of this section shall be in effect for assigning tax rates for the rate year, except that during rate year 2004 tax schedule C shall be in effect unless a lower tax schedule is determined to be in effect by the interval of the fund balance ratio. The intervals for determining the effective tax schedule shall be:

Interval of the
Fund Balance Ratio Effective
Expressed as a Percentage Tax Schedule

2.90 and above AA

2.10 to 2.89 A

1.70 to 2.09 B

1.40 to 1.69 C

0.00	5.00	1	0.47	0.47	0.62	1.02	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.82	1.22	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	1.02	1.42	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.16	1.56	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.10	4.30	4.60	5.00	5.10	5.20	5.40
95.01	100.00	20							
		20A	5.40	5.40	5.40	5.40	5.40	5.55	5.60
		20B	5.40	5.45	5.50	5.55	5.60	5.65	5.70
		20C	5.50	5.55	5.60	5.65	5.70	5.75	5.80
		20D	5.60	5.65	5.70	5.75	5.80	5.85	5.90
		20E	5.70	5.75	5.80	5.85	5.90	5.95	6.00

(b) Employers assigned to rate class 20 shall be assigned to one of the rate classes 20A through E as follows:

(i) Employers with a benefit ratio of less than 0.054000 shall be assigned to rate class 20A;

(ii) Employers with a benefit ratio of at least 0.054000 but less than 0.063000 shall be assigned to rate class 20B;

(iii) Employers with a benefit ratio of at least 0.063000 but less than 0.068000 shall be assigned to rate class 20C;

(iv) Employers with a benefit ratio of at least 0.068000 but less than 0.075000 shall be assigned to rate class 20D; and

(v) Employers with a benefit ratio of 0.075000 or higher shall be assigned to rate class 20E.

(c) The maximum contribution rate for employers whose standard industrial classification code is within major group "01," "02," or "07," or is code "5148," or the equivalent code in the North American industry classification system code, may not exceed the rate in rate class 20A for the applicable rate year.

(6) Except as provided in sections 9 and 10 of this act, the contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year; and

(b) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the

~~10.01 15.00 3 0.57 0.57 0.97 1.37 1.77 2.27 2.87~~
~~15.01 20.00 4 0.57 0.73 1.11 1.51 1.90 2.40 2.98~~
~~20.01 25.00 5 0.72 0.92 1.30 1.70 2.09 2.59 3.08~~
~~25.01 30.00 6 0.91 1.11 1.49 1.89 2.29 2.69 3.18~~
~~30.01 35.00 7 1.00 1.29 1.69 2.08 2.48 2.88 3.27~~
~~35.01 40.00 8 1.19 1.48 1.88 2.27 2.67 3.07 3.47~~
~~40.01 45.00 9 1.37 1.67 2.07 2.47 2.87 3.27 3.66~~
~~45.01 50.00 10 1.56 1.86 2.26 2.66 3.06 3.46 3.86~~
~~50.01 55.00 11 1.84 2.14 2.45 2.85 3.25 3.66 3.95~~
~~55.01 60.00 12 2.03 2.33 2.64 3.04 3.44 3.85 4.15~~
~~60.01 65.00 13 2.22 2.52 2.83 3.23 3.64 4.04 4.34~~
~~65.01 70.00 14 2.40 2.71 3.02 3.43 3.83 4.24 4.54~~
~~70.01 75.00 15 2.68 2.90 3.21 3.62 4.02 4.43 4.63~~
~~75.01 80.00 16 2.87 3.09 3.69 3.81 4.22 4.53 4.73~~
~~80.01 85.00 17 3.27 3.47 3.77 4.17 4.57 4.87 4.97~~
~~85.01 90.00 18 3.67 3.87 4.17 4.57 4.87 4.97 5.17~~
~~90.01 95.00 19 4.07 4.27 4.57 4.97 5.07 5.17 5.37~~
~~95.01 100.00 20 5.40 5.40 5.40 5.40 5.40 5.40 5.40))~~

Percent of
Cumulative Schedules of Contributions Rates
Taxable Payrolls for Effective Tax Schedule

Rate
From To Class AA A B C D E F

~~0.00 5.00 1 0.47 0.47 0.62 1.02 1.47 1.87 2.47~~
~~5.01 10.00 2 0.47 0.47 0.82 1.22 1.67 2.07 2.67~~
~~10.01 15.00 3 0.57 0.57 1.02 1.42 1.77 2.27 2.87~~
~~15.01 20.00 4 0.57 0.73 1.14 1.54 1.90 2.40 2.98~~
~~20.01 25.00 5 0.72 0.92 1.30 1.70 2.09 2.59 3.08~~
~~25.01 30.00 6 0.91 1.03 1.44 1.89 2.29 2.69 3.18~~
~~30.01 35.00 7 1.00 1.17 1.61 2.08 2.48 2.88 3.27~~
~~35.01 40.00 8 1.19 1.35 1.79 2.27 2.67 3.07 3.47~~
~~40.01 45.00 9 1.37 1.52 1.97 2.47 2.87 3.27 3.66~~
~~45.01 50.00 10 1.56 1.69 2.15 2.66 3.06 3.46 3.86~~
~~50.01 55.00 11 1.84 1.95 2.33 2.85 3.25 3.66 3.95~~
~~55.01 60.00 12 2.03 2.12 2.51 3.04 3.44 3.85 4.15~~
~~60.01 65.00 13 2.22 2.29 2.69 3.23 3.64 4.04 4.34~~
~~65.01 70.00 14 2.40 2.47 2.87 3.43 3.83 4.24 4.54~~
~~70.01 75.00 15 2.64 2.68 3.05 3.62 4.02 4.43 4.63~~
~~75.01 80.00 16 2.81 2.87 3.25 3.81 4.22 4.53 4.73~~
~~80.01 85.00 17 3.27 3.30 3.58 4.17 4.57 4.87 4.97~~
~~85.01 90.00 18 3.67 3.87 4.17 4.57 4.87 4.97 5.17~~
~~90.01 95.00 19 4.10 4.30 4.60 5.00 5.10 5.20 5.40~~
~~95.01 100.00 20~~
20A 5.40 5.40 5.40 5.40 5.40 5.55 5.60
20B 5.40 5.45 5.50 5.55 5.60 5.65 5.70
20C 5.50 5.55 5.60 5.65 5.70 5.75 5.80
20D 5.60 5.65 5.70 5.75 5.80 5.85 5.90
20E 5.70 5.75 5.80 5.85 5.90 5.95 6.00

(b) Employers assigned to rate class 20 shall be assigned to one of the rate classes 20A through E as follows:

(i) Employers with a benefit ratio of less than 0.054000 shall be assigned to rate class 20A;

(ii) Employers with a benefit ratio of at least 0.054000 but less than 0.063000 shall be assigned to rate class 20B;

(iii) Employers with a benefit ratio of at least 0.063000 but less than 0.068000 shall be assigned to rate class 20C;

(iv) Employers with a benefit ratio of at least 0.068000 but less than 0.075000 shall be assigned to rate class 20D; and

(v) Employers with a benefit ratio of 0.075000 or higher shall be assigned to rate class 20E.

(c) The maximum contribution rate for employers whose standard industrial classification code is within major group "01," "02," or "07," or is code "5148," or the equivalent code in the North American industry classification system code, may not exceed the rate in rate class 20A for the applicable rate year.

(6) Except as provided in sections 9 and 10 of this act, the contribution rate for each employer not qualified to be in the array shall be as follows:

(a) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20E for the applicable rate year; and

(b) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent. Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification system code.

NEW SECTION. Sec. 9. A new section is added to chapter 50.29 RCW to read as follows:

For rate years 2003 and 2004, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include, in addition to the contribution rate under RCW 50.29.025, an insolvency surcharge of fifteen one-hundredths of one percent. However, the insolvency surcharge is not in effect:

(1) For rate year 2003, if, before January 1, 2003, federal Reed act moneys are transferred to the account of this state pursuant to section 903 of the social security act (42 U.S.C. Sec. 1103), as amended, in an amount equal to or greater than fifteen one-hundredths of one percent multiplied by the amount of total taxable payroll for fiscal year 2002.

(2) For rate year 2004, if the fund balance ratio under RCW 50.29.025 is equal to or greater than 1.40 on September 30, 2003.

NEW SECTION. Sec. 10. A new section is added to chapter 50.29 RCW to read as follows:

(1) Beginning with contributions assessed for rate year 2005, the contribution rate of each employer subject to contributions under RCW 50.24.010 shall include, in addition to the contribution rate under RCW 50.29.025, an equity surcharge as determined under this section if the employer's experience rating account has ineffective charges in at least three of the four completed fiscal years immediately preceding the computation date. The commissioner shall determine the equity surcharge rate for a rate year for each applicable employer as follows:

(a) If the employer's net ineffective charges are equal to or less than zero, no equity surcharge is applicable to the employer. If the employer's net ineffective charges are greater than zero, an equity surcharge is applicable to the employer.

(b) An employer's equity surcharge rate for a rate year is equal to the net ineffective charges divided by the employer's taxable payroll, expressed as a percentage.

(2) The equity surcharge may not exceed four-tenths of one percent, except that for any given rate year the maximum surcharge is six-tenths of one percent if the commissioner determines that the total ineffective charges in the completed fiscal year immediately preceding the computation date is greater than fifteen percent of the total benefits paid in that fiscal year.

(3) This section does not apply to an employer in rate class 20A through 20E whose assigned standard industrial classification code is within major group "09" or is "203," or the equivalent codes in the North American industry classification system code.

(4) For purposes of this section:

(a) "Ineffective charges" means the dollar amount charged in the previous four completed fiscal years to an employer's experience rating account attributable to unemployment benefits paid to claimants that exceed the contributions paid by the respective employer in those four fiscal years.

(b) "Net ineffective charges" means the sum of the employer's ineffective charges as defined in (a) of this subsection reduced by the employer's estimated contributions.

(c) "Estimated contributions" means the employer's taxable payroll multiplied by the employer's contribution rate assigned under RCW 50.29.025 for the next applicable rate year.

(d) "Taxable payroll" means the amount of wages subject to tax for the employer as determined under RCW 50.24.010 in the completed fiscal year immediately preceding the computation date.

Sec. 11. RCW 50.29.010 and 1987 c 213 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Computation date" means July 1st of any year;

(2) "Cut-off date" means September 30th next following the computation date;

(3) "Qualification date" means April 1st of the ~~((third))~~ second year preceding the computation date;

(4) "Rate year" means the calendar year immediately following the computation date;

(5) "Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his or her employment;

(6) "Qualified employer" means any employer who ~~((1))~~ (a) reported some employment in the twelve-month period beginning with the qualification date, ~~((2))~~ (b) had no period of four or more consecutive calendar quarters for which he or she reported no employment in the two calendar years immediately preceding the computation date, and ~~((3))~~ (c) has submitted by the cut-off date all reports, contributions, interest, and penalties required under this title for the period preceding the computation date. Unpaid contributions, interest, and penalties may be disregarded for the purposes of this section if they constitute less than either one hundred dollars or one-half of one percent of the employer's total tax reported for the twelve-month period immediately preceding the computation date. Late reports, contributions, penalties, or interest from employment defined under RCW 50.04.160 may be disregarded for the purposes of this section if showing is made to the satisfaction of the commissioner that an otherwise qualified employer acted in good faith and that forfeiture of qualification for a reduced contribution rate because of such delinquency would be inequitable.

Sec. 12. RCW 50.29.062 and 1996 c 238 s 1 are each amended to read as follows:

Predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer, its contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs. From and after January 1 following the transfer, the successor's contribution rate for each rate year shall be based on its experience with payrolls and benefits including the experience of the acquired business or portion of a business from the date of transfer, as of the regular computation date for that rate year.

(2) If the successor is not an employer at the time of the transfer, it shall pay contributions at the lowest rate determined under either of the following:

(a)(i) For transfers before January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year and continuing until the successor qualifies for a different rate in its own right;

(ii) For transfers on or after January 1, 1997, the contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate class attributable to the predecessor is transferred to the successor. Beginning with the January 1 following the transfer, the successor's contribution rate shall be based on the transferred experience of the acquired business and the successor's experience after the transfer; or

(b) The contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or in the North American industry classification code system.

(3) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, its rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition, but not less than one percent.

(4) If the successor is not an employer at the time of the transfer, the taxable wage base applicable to the predecessor employer at the time of the transfer shall continue to apply to the successor employer for the remainder of the rate year in which the transfer occurs.

(5) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

~~((5))~~ (6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on its experience with payrolls and benefits as of the regular computation date for that rate year including the experience of the acquired business or portion of business up to the date of transfer: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

In addition to contributions at rates computed under this section, predecessor and successor employers are subject to contributions under rates computed as provided in sections 9 and 10 of this act.

Sec. 13. RCW 50.24.014 and 2000 c 2 s 15 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative cost under RCW 50.22.150 ~~((and))~~, the costs under RCW 50.22.150(9), and the administrative cost under chapter . . . , Laws of 2002 (this act). Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(6)(b), and those qualified employers assigned one of the rate classes 20A through 20E under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. ~~((Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the unemployment compensation trust fund.))~~

(c) For the first calendar quarter of 1994 only, the basic two one-hundredths of one percent contribution payable under (a) of this subsection shall be increased by one-hundredth of one percent to a total rate of three one-hundredths of one percent. The proceeds of this incremental one-hundredth of one percent shall be used solely for the purposes described in section 22, chapter 483, Laws of 1993, and for the purposes of conducting an evaluation of the call center approach to unemployment insurance under section 5, chapter 161, Laws of 1998. During the 1997-1999 fiscal biennium, any surplus from contributions payable under this subsection (c) may be deposited in the unemployment compensation trust fund, used to support tax and wage automated systems projects that simplify and streamline employer reporting, or both.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. (1) Section 3 of this act applies beginning with claims that have an effective date on or after July 7, 2002.

(2) Sections 5 and 7 of this act apply to rate years beginning on or after January 1, 2003.

(3) Section 6 of this act applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after July 7, 2002.

(4) Section 8 of this act applies to rate years beginning on or after January 1, 2005.

NEW SECTION. Sec. 17. (1) Sections 7 and 9 of this act expire January 1, 2005.

(2) Section 3 of this act expires July 1, 2014.

NEW SECTION. Sec. 18. (1) Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(2) Section 8 of this act takes effect January 1, 2005."

Correct the title.

With the consent of the House, amendment (515) to amendment (507) was withdrawn.

Representative Mulliken moved the adoption of amendment (509) to amendment (507):

On page 7, line 35, after "one" strike the remainder of the sentence and insert the following:

~~"((twenty fifth of the average quarterly wages of the individual's total wages during the two quarters of)) percent of the total wages paid in the individual's base year ((in which such total wages were highest))."~~

Representatives Mulliken, Talcott, McMorris, Matson and Cox spoke in favor of the adoption of the amendment to the amendment.

Representative Conway spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Clements moved the adoption of amendment (511) to amendment (507):

On page 8, after line 9, insert the following:

"Sec. 5. RCW 50.20.170 and 1945 c 35 s 85 are each amended to read as follows:

(1)(a) Subject to (b) of this subsection, an individual who has received an initial determination finding that he or she is potentially entitled to receive waiting period credit or benefits shall, during the benefit year, be given waiting period credit or be paid benefits in accordance with such initial determination for any week with respect to which the conditions of eligibility for such credit or benefits, as prescribed by this title, are met, unless the individual is denied waiting period credit or benefits under the disqualification provisions of this title.

(b) An individual who has received an initial determination under (a) of this subsection must be notified in writing that he or she is entitled to a redetermination of the amount of benefits payable if he or she has taken unpaid family and medical leave totaling six or more weeks, whether taken consecutively or intermittently, during his or her base year and if the claim equals less than thirty times the weekly benefit amount. The notice must describe the method by which the claimant may request a redetermination under this subsection. If the notified claimant requests the redetermination, the department must reevaluate the claimant's base year as provided in RCW 50.04.020(2)(b).

(2) All benefits shall be paid through employment offices in accordance with such regulations as the commissioner may prescribe.

Sec. 6. RCW 50.04.020 and 1994 c 3 s 1 are each amended to read as follows:

(1) "Base year" with respect to each individual, shall mean ~~((either))~~ the first four of the last five completed calendar quarters ~~((or))~~, the last four completed calendar quarters immediately preceding the first day of the individual's benefit year, or, if applicable under subsection (2) of this section, an additional base year.

(2)(a) Except as provided in (b) of this subsection, for the purposes of establishing a benefit year, the department shall initially use the first four of the last five completed calendar quarters as the base year. If a benefit year is not established using the first four of the last five calendar quarters as the base year, the department shall use the last four completed calendar quarters as the base year.

(b) If a claimant requests a redetermination under RCW 50.20.170(1)(b), the department shall evaluate an additional base year, using the four quarters with the highest wages in the last six completed calendar quarters. The base year, for the purposes of establishing the claimant's benefit year, must be either the base year initially used under (a) of this subsection or the additional base year used under this subsection, whichever base year entitles the claimant to the higher maximum benefits under RCW 50.20.120(1). However, any benefit year established under this subsection may not use calendar quarters that were previously used to establish a prior benefit year.

(3) Computations using the last four completed calendar quarters shall be based on available wage items processed as of the close of business on the day preceding the date of application. The department shall promptly contact employers to request assistance in obtaining wage information for the last completed calendar quarter if it has not been reported at the time of initial application.

NEW SECTION. **Sec. 7.** A new section is added to chapter 50.04 RCW to read as follows:

"Family and medical leave" means leave taken under either the federal family and medical leave act of 1993 (Act of Feb. 5, 1993, P.L. 103-3, 107 Stat. 6) or the state family leave law, chapter 49.78 RCW."

ReNUMBER the remaining sections and correct internal references accordingly.

On page 24, line 32, after "(1)" strike "Section 3 of this act applies" and insert "Sections 3, 5, and 6 of this act apply"

Correct the title.

Representative Clements spoke in favor of the adoption of the amendment to the amendment.

Representative Kagi spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Clements moved the adoption of amendment (513) to amendment (507):

On page 8, after line 9, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 50.24 RCW to read as follows:

(1) For the purposes of this section:

(a) "Individual benefits" means benefits paid to individuals who are not considered to have left work voluntarily without good cause under RCW 50.20.050(2).

(b) "Individual contributions" means the money payments due to the state unemployment compensation fund as provided under this section.

(2) Beginning on January 1, 2003, individual contributions to the state unemployment compensation fund shall accrue and become payable by each employer in accordance with such rules as the commissioner may adopt.

(3) Beginning on September 30, 2002, and on September 30 of each year thereafter, the commissioner shall determine the rate of individual contributions. The individual contribution rate shall be the lowest rate necessary to ensure that the total amount of individual contributions that accrue and become payable for the next rate year equals the total amount of individual benefits paid in the last completed state fiscal year.

(4) The commissioner shall determine the amount of wages subject to the individual contribution rate under RCW 50.24.010.

(5) An employer may deduct individual contributions, in whole or in part, from the remuneration of individuals in employment of the employer.

(6) In the payment of any individual contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(7) This section does not apply to: (a) Employers who are required to make payments in lieu of contributions; (b) employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions; and (c) taxable local government employers described in RCW 50.44.035.

Sec. 6. RCW 50.04.072 and 1985 ex.s. c 5 s 5 are each amended to read as follows:

The terms "contributions," "individual contributions," and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under RCW 50.24.014 and are deemed to be taxes due to the state of Washington.

Sec. 7. RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

- (1) all contributions, individual contributions, and payments in lieu of contributions collected pursuant to the provisions of this title,
- (2) any property or securities acquired through the use of moneys belonging to the fund,
- (3) all earnings of such property or securities,
- (4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,
- (5) all money recovered on official bonds for losses sustained by the fund,
- (6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,
- (7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
- (8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

- (a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.
- (b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.
- (c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010."

ReNUMBER remaining sections and correct internal references accordingly.

Correct the title.

Representative Clements spoke in favor of the adoption of the amendment to the amendment.

Representative Conway spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Clements moved the adoption of amendment (514) to amendment (507):

On page 8, after line 9, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 50.24 RCW to read as follows:

(1) For the purposes of this section, "individual contributions" means the money payments due to the state unemployment compensation fund as provided under this section.

(2) Beginning on January 1, 2003, individual contributions to the state unemployment compensation fund shall accrue and become payable by each employer in accordance with such rules as the commissioner may adopt.

(3) Beginning on September 30, 2002, and on September 30 of each year thereafter, the commissioner shall determine the rate of individual contributions. The individual contribution rate shall be the lowest rate necessary to ensure that the total amount of individual contributions that accrue and become payable for the next rate year equals the total amount of benefits paid in the last completed state fiscal year less the total amount of benefits that would have been paid in the last completed state fiscal year if weekly benefit amounts were equal to one percent of the total wages paid in the base year.

(4) The commissioner shall determine the amount of wages subject to the individual contribution rate under RCW 50.24.010.

(5) An employer may deduct individual contributions, in whole or in part, from the remuneration of individuals in employment of the employer.

(6) In the payment of any individual contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(7) This section does not apply to: (a) Employers who are required to make payments in lieu of contributions; (b) employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions; and (c) taxable local government employers described in RCW 50.44.035.

Sec. 6. RCW 50.04.072 and 1985 ex.s. c 5 s 5 are each amended to read as follows:

The terms "contributions," "individual contributions," and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under RCW 50.24.014 and are deemed to be taxes due to the state of Washington.

Sec. 7. RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions, individual contributions, and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010."

Renumber remaining sections and correct internal references accordingly.

Correct the title.

Representative Clements spoke in favor of the adoption of the amendment to the amendment.

Representative Conway spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Clements moved the adoption of amendment (522) to amendment (507):

On page 8, after line 9 of the amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 50.24 RCW to read as follows:

(1) For the purposes of this section:

(a) "Individual benefits" means benefits paid to individuals who are not considered to have left work voluntarily without good cause under RCW 50.20.050(2).

(b) "Individual contributions" means the money payments due to the state unemployment compensation fund as provided under this section.

(2) For the rate year immediately following a year in which the fund balance ratio is determined to be 1.39 or less under RCW 50.29.025, individual contributions to the state unemployment compensation fund shall accrue and become payable by each employer in accordance with such rules as the commissioner may adopt.

(3) The commissioner shall determine the rate of individual contributions. The individual contribution rate shall be the lowest rate necessary to ensure that the total amount of individual contributions that accrue and become payable for the specified rate year equals the total amount of individual benefits paid in the completed state fiscal year immediately preceding the rate year. (4) The commissioner shall determine the amount of wages subject to the individual contribution rate under RCW 50.24.010.

(5) An employer may deduct individual contributions, in whole or in part, from the remuneration of individuals in employment of the employer.

(6) In the payment of any individual contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(7) This section does not apply to: (a) Employers who are required to make payments in lieu of contributions; (b) employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions; and (c) taxable local government employers described in RCW 50.44.035.

Sec. 6. RCW 50.04.072 and 1985 ex.s. c 5 s 5 are each amended to read as follows:

The terms "contributions," "individual contributions," and "payments in lieu of contributions" used in this title, whether singular or plural, designate the money payments to be made to the state unemployment compensation fund, to the federal interest payment fund under RCW 50.16.070, or to the special account in the administrative contingency fund under RCW 50.24.014 and are deemed to be taxes due to the state of Washington.

Sec. 7. RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of:

(1) All contributions, individual contributions, and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) Any property or securities acquired through the use of moneys belonging to the fund,

(3) All earnings of such property or securities,

(4) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) All money recovered on official bonds for losses sustained by the fund,

(6) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) All moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution.

Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010."

Renumber remaining sections and correct internal references accordingly.

Correct the title.

Representative Clements spoke in favor of the adoption of the amendment to the amendment.

Representative Wood spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Holmquist moved the adoption of amendment (510) to amendment (507) *:

On page 24, after line 17, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 50.20 RCW to read as follows:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

(2) The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (a) The duration of the work;
- (b) The extent of direction and control by the employer over the work; and
- (c) The level of skill required for the work in light of the individual's training and experience."

Renumber the remaining sections and correct internal cross references accordingly.

On page 25, after line 13, insert the following:

"NEW SECTION. Sec. 19. RCW 50.20.050 and 2000 c 2 s 12 and any acts subsequently amending RCW 50.20.050 are each repealed."

Correct the title.

Representatives Holmquist, Boldt, Clements and Matson spoke in favor of the adoption of the amendment to the amendment.

Representatives Wood and Conway spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was not adopted.

Representative Conway moved the adoption of amendment (520) to amendment (507) *:

On page 25, line 9 of the amendment, after "(1) Section" strike "3" and insert "2"

Representatives Conway and Clements spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Casada moved the adoption of amendment (521) to amendment (507):

Strike all text beginning on page 1, line 7, through page 25, line 14, and insert the following:

"Sec. 1. RCW 50.22.140 and 2000 2nd sp.s. c 1 s 916 are each amended to read as follows:

(1) The employment security department is authorized to pay training benefits under RCW 50.22.150, but may not obligate expenditures beyond the limits specified in this section or as otherwise set by the legislature. For the fiscal year ending June 30, 2000, the commissioner may not obligate more than twenty million dollars for training benefits. For the two fiscal years ending June 30, 2002, the commissioner may not obligate more than sixty million dollars for training benefits. Any funds not obligated in one fiscal year may be carried forward to the next fiscal year. For each fiscal year beginning after June 30, 2002, the commissioner may not obligate more than twenty million dollars annually in addition to any funds carried ~~((over))~~ forward from previous fiscal years. The department shall develop a process to ensure that expenditures do not exceed available funds and to prioritize access to funds when again available.

(2) After June 30, 2002, in addition to the amounts that may be obligated under subsection (1) of this section, the commissioner may obligate up to thirty-four million dollars for training benefits under RCW 50.22.150 for individuals in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411" whose claims are filed before January 5, 2003. The funds provided in this subsection must be fully obligated for training benefits for these individuals before the funds provided in subsection (1) of this section may be obligated for training benefits for these individuals. Any amount of the funds specified in this subsection that is not obligated as permitted may not be carried forward to any future period.

Sec. 2. RCW 50.22.150 and 2000 c 2 s 8 are each amended to read as follows:

(1) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (2) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection ~~((9))~~ (10) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(2) Until June 30, 2002, the following individuals who meet the requirements of subsection (1) of this section may, without regard to the tenure requirements under subsection (1)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(3) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high demand occupation. Beginning July 1, 2001, the assessment of high demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local work force development councils, in cooperation with the employment security department and its labor market information division, under subsection ~~((9))~~ (10) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the work force training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(5) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhaustees who are eligible under subsection (1) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (2) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year. ~~((Beginning with new claims filed after June 30, 2002, for~~

~~exhaustees eligible under subsection (2) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year); or~~

(iii) For exhaustees eligible under subsection (1) of this section from industries listed under subsection (2)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(6) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(7)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned the standard industrial code "372" or the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year limitation of this section and without regard to the requirement of subsection (1)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(8) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(9) All base year employers are interested parties to the approval of training and the granting of training benefits.

~~((9))~~ (10) By July 1, 2001, each local work force development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area. Local work force development councils must use state and locally developed labor market information. Thereafter, each local work force development council shall update this information annually or more frequently if needed.

~~((10))~~ (11) The commissioner shall adopt rules as necessary to implement this section.

Sec. 3. RCW 50.29.020 and 2000 c 2 s 3 are each amended to read as follows:

(1) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make

payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department. Benefits paid to any eligible individuals shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individuals later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) In the case of individuals identified under RCW 50.20.015, benefits paid with respect to a calendar quarter, which exceed the total amount of wages earned in the state of Washington in the higher of two corresponding calendar quarters included within the individual's determination period, as defined in RCW 50.20.015, shall not be charged to the experience rating account of any contribution paying employer.

~~((f) Benefits paid under RCW 50.22.150 shall not be charged to the experience rating account of any contribution paying employer.))~~

(3)(a) A contribution-paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, work site, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.60 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

NEW SECTION. **Sec. 4.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 5.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 6.** Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 7.** Section 3 of this act applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after July 7, 2002."

Correct the title.

Representatives Casada, Clements and Chandler spoke in favor of the adoption of the amendment to the amendment.

Representatives Reardon and Lysen spoke against the adoption of the amendment to the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (521) to amendment (507) to House Bill No. 2901.

ROLL CALL

The Clerk called the roll on the adoption of amendment (521) to amendment (507) to House Bill No. 2901, and the amendment was not adopted by the following vote: Yeas - 42, Nays - 54, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Jarrett, Mielke, Mitchell, Morell, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 42.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Morris, Mulliken, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 54.

Excused: Representatives Lisk and Schmidt - 2.

The amendment (507) as amended was adopted.

The bill was ordered engrossed.

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

Representatives Conway, Reardon, Kenney, Wood and McIntire spoke in favor of passage of the bill.

Representatives Chandler, DeBolt, Benson, Mulliken, Orcutt, Morell and Clements spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2901.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2901 and the bill passed the House by the following vote: Yeas - 66, Nays - 29, Absent - 0, Excused - 2, Not Voting - 1.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Benson, Boldt, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Dunn, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 29.

Excused: Representatives Lisk and Schmidt - 2.

Not Voting: Representative Roach - 1.

Engrossed House Bill No. 2901, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Engrossed House Bill No. 2901 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2901 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2901 on reconsideration, and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Ballard, Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Armstrong, Benson, Boldt, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Dunn, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 31.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed House Bill No. 2901, on reconsideration, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 11, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 2031,
HOUSE BILL NO. 2286,
HOUSE BILL NO. 2313,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2326,
SUBSTITUTE HOUSE BILL NO. 2400,
SUBSTITUTE HOUSE BILL NO. 2466,
HOUSE BILL NO. 2537,
HOUSE BILL NO. 2550,
SUBSTITUTE HOUSE BILL NO. 2629,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2662,
HOUSE BILL NO. 2669,
SUBSTITUTE HOUSE BILL NO. 2800,
HOUSE BILL NO. 2824,
HOUSE BILL NO. 2902,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 11, 2002

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5064,
SENATE BILL NO. 5138,
SUBSTITUTE SENATE BILL NO. 5166,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207,
SECOND SUBSTITUTE SENATE BILL NO. 5291,
SECOND SUBSTITUTE SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5552,
ENGROSSED SENATE BILL NO. 5624,
ENGROSSED SENATE BILL NO. 5626,
ENGROSSED SENATE BILL NO. 5692,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5777,
ENGROSSED SENATE BILL NO. 5954,
SECOND ENGROSSED SENATE BILL NO. 6001,
SUBSTITUTE SENATE BILL NO. 6037,
SECOND SUBSTITUTE SENATE BILL NO. 6080,
ENGROSSED SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6233,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 11, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5099,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5629,
SUBSTITUTE SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6248,
SUBSTITUTE SENATE BILL NO. 6254,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6286,
SUBSTITUTE SENATE BILL NO. 6301,
ENGROSSED SENATE BILL NO. 6316,
SENATE BILL NO. 6457,
SUBSTITUTE SENATE BILL NO. 6461,
SENATE BILL NO. 6465,
SENATE BILL NO. 6530,
SENATE BILL NO. 6538,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the health and safety of its citizens, natural resources, and the environment are vital interests of the state that must be protected to preserve the state's quality of life. The legislature also finds that the state's economic well-being is a vital interest that depends upon the development of fair, coordinated environmental permitting processes that ensure that the state not only protects natural resources, but also encourages appropriate activities that stimulate growth and development. The legislature further finds that during the past twenty years, Washington's environmental protection programs have established strict standards to reduce pollution and protect public health and safety and the environment.

The legislature finds that as the number of environmental and land use laws have grown in Washington, so have the number of permits required of business and government. The increasing number of individual permits and permit authorities has generated the potential for conflict, overlap, and duplication between the various state, local, and federal permits. Lack of coordination in the processing of permit applications may cause costly delays and frustration to the applicant.

The legislature finds that not all project applicants require the same type of technical assistance. While applicants with small projects may merely need information about local and state permits, and assistance in applying for those permits, intermediate-sized projects may require a facilitated facilitating permit process. Large, complex projects may even need extensive coordination among local, state, and federal agencies.

The legislature finds that a range of assistance and coordination options should be available for project applicants. The legislature further finds that citizens should be provided with a reliable and consolidated source of information concerning federal, state, and local environmental and land use laws

and procedures that might apply to any given proposal; facilitated interagency forums for discussion of significant issues related to the multiple permitting processes can be very useful for some project proponents; and finally, some applicants may require active coordination of all applicable regulatory and land use permitting procedures.

The legislature declares that the purpose of this chapter is to provide efficient processes that will assist businesses and citizens in complying with the environmental and land use laws while protecting public health and safety and the environment.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Center" means the permit assistance center established in section 3 of this act.
- (2) "Permit" includes any license, certificate, registration, permit, or other form of use authorization required by a permit agency to engage in a particular activity.
- (3) "Project" means an activity, the conduct of which requires permits from one or more permit agencies.
- (4) "Use authorization" means a lease, material purchase, easement, permit, or other document authorizing the use of either state-owned aquatic lands or materials, or both.

NEW SECTION. Sec. 3. (1) The permit assistance center is created in the office of the governor. The center shall:

- (a) Publish and keep current one or more handbooks containing lists and explanations of all permit laws. To the extent possible, the handbook must include relevant local, state, federal, and tribal laws. A state agency or local government must provide a reasonable number of copies of application forms, statutes, ordinances, rules, handbooks, and other informational material requested by the center and must otherwise fully cooperate with the center. The center must seek the cooperation of relevant federal agencies and tribal governments;
 - (b) Establish, and make known, a point of contact for distribution of the handbook and advice to the public as to its interpretation in any given case;
 - (c) Work closely and cooperatively with the business license center in providing efficient and nonduplicative service to the public;
 - (d) Collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review;
 - (e) Provide an annual performance report to the legislature and the public. The report must be based on survey of customers;
 - (f) Report annually to the legislature regarding any statutory or regulatory conflicts relating to differing legal authorities and roles of the agencies issuing permits or use authorizations and how these were resolved. The report may include recommendations to the legislature and to agencies; and
 - (g) Report annually to the legislature regarding use of outside independent consultants pursuant to section 7 of this act, including the nature and amount of work performed by outside independent consultants and implementation of the requirements of section 7 of this act relating to costs.
- (2) The center must prioritize the expenditure of general fund moneys allotted to the center to provide a set of services to the applicants of small projects.
 - (3) The center shall work with state resource agencies, the governor's office, local government officials, and the department of community, trade, and economic development to create a range of permit assistance options for permit applicants. These options include, but are not limited to, a centralized customer call center, a web site for permitting information, facilitation services offered on a regional basis, and a process for developing a coordinated permit process utilizing a cost reimbursement system authorized under section 7 of this act.
 - (4) The center shall also work to develop informal processes for dispute resolution between agencies and permit applicants.
 - (5) To the maximum extent possible, the center shall work with the transportation permit efficiency and accountability committee established by chapter 47.06C RCW.

NEW SECTION. Sec. 4. (1) The center shall operate based on the principle that citizens of the state of Washington have the right to expect the following information to be provided to them when asking for a permit, license, or permission to engage in a lawful activity:

- (a) A date and time for a decision on permits;
 - (b) A defined amount of information required to award a permit by a permitting authority before any application for permits can be accepted; and
 - (c) An estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant.
- (2) This section does not create a right of action.

NEW SECTION. Sec. 5. (1) Upon the request of a project proponent, the center shall appoint a project facilitator to assist the applicant in determining which regulatory requirements, processes, and permits may be required for development and operation of the proposed project. The project facilitator shall provide the information to the applicant and explain the options available to the applicant in obtaining the required permits.

(2) If requested by the applicant, the project facilitator shall facilitate a project scoping meeting. The meeting may involve the project applicant, state agencies that will require a permit or use authorization for the project, and the local governments in whose jurisdiction the project is proposed. Federal agencies and tribal governments that either issue or may require a permit, or that may require a use authorization for the project, shall each be invited to participate in the scoping meeting. All agencies participating in the scoping process are encouraged to remain in communication for purposes of coordination throughout the subsequent permit review processes until final permit decisions are made.

(3) The purpose of the scoping meeting is to share perspectives and identify the issues and information needs of concern to each participant with regard to the proposed project, and jointly develop a strategy for managing the permitting process. This project scoping process must be concluded within sixty days of the applicant's request.

- (a) During this review, the permit agencies shall identify:
 - (i) The permits that are required for the project;
 - (ii) A review of the permit application forms and other application requirements of the agencies that are participating in the scoping meeting;
 - (iii) The specific information needs and issues of concern and their significance to each participant with regard to the permitting processes involved;
 - (iv) Any statutory or regulatory conflicts that might arise relating to differing legal authorities and roles of the agencies issuing the permit or use authorization of the project;
 - (v) Any state or local jurisdiction or private sector liability that might result from permitting or issuing a use authorization for the project;
 - (vi) Any natural resources, including federal or state listed species, that might be adversely affected by the permitting or authorizing decision; and
 - (vii) The permit decision timelines that will be used by each permit agency, including the time periods required to determine if the permit applications are complete, to review the application or applications, and to process the component permits. In the development of this timeline, full attention must be given to achieving the maximum efficiencies possible through concurrent studies, consolidated applications, hearings, and comment periods.

(b) Following this project scoping review, the outcome shall be documented in written form and furnished to the applicant, and be available to the public.

(c) Upon completion of this review, the permitting and authorizing agencies and governments shall proceed according to their respective statutes.

NEW SECTION. Sec. 6. (1) Upon request, a permit applicant may also request that the center actively coordinate the project permitting processes. This process shall be implemented through a cost reimbursement contract developed under section 7 of this act.

(2) According to the specific requirements contained in a cost reimbursement contract, the center may convene a scoping meeting as outlined in section 5 of this act, serve as the main point of

contact for the permit applicant with regard to the coordinated permit processes for the project, and manage the procedural aspects of that processing consistent with existing laws. In carrying out these responsibilities, the center shall ensure that the permit applicant has all the information needed to apply for all the component permits that are incorporated in the coordinated permit process for the project, coordinate the review of those permits by the permit agencies, ensure that timely permit decisions are made by the permit agencies, and assist in resolving any conflict or inconsistency among the permit requirements and conditions that are to be imposed by the permit agencies. The center shall maintain contact with the applicant and local, state, and federal permit agencies to ensure that the process is progressing as scheduled.

(3) Upon completion of the cost reimbursement contract, each permit agency shall send at least one representative qualified to make decisions concerning the applicability and timelines associated with all permits administered by that jurisdiction. At the request of the applicant, the center shall notify any relevant federal agency or federally recognized tribe of the date of the meeting and invite that agency's participation in the process.

(4) If a permit agency or the applicant foresees, at any time, that it will be unable to meet its obligations under the agreement, it shall notify the center of the problem. The center shall notify the permit agencies and the applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, schedule another work plan meeting.

(5) This chapter may not be construed to limit or abridge the powers and duties granted to any permit agency under the law that authorizes or requires the agency to issue a permit or a use authorization for a project.

NEW SECTION. Sec. 7. (1) The center shall negotiate a method of determining, collecting, and distributing permit fees and cost reimbursement for the costs associated with carrying out the purposes of this chapter, including the use of existing fees as set by statute or administrative rule.

(2) The center may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by the center and permit agencies in carrying out the requirements of this chapter.

(3) The center may enter into a written agreement with the applicant to recover from the applicant the reasonable costs incurred by outside independent consultants selected by the center and permit agencies to perform permit review and processing tasks consistent with the coordinated permit process.

(4) The center and outside independent consultants may recover only the costs of performing those permit services that are coordinated through the one-stop coordinated permitting process established under this chapter. The billing process must provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

(5) Prior to providing reimbursement or fees to participating permit agencies under this chapter, the center shall ensure that the participating permit agencies have made all the permit decisions that are necessary for the incorporation of the permits into the coordinated permit process and act on the component permits within the time periods agreed to by the participating permit agencies under the process outlined in section 6 of this act.

(6) The center shall adopt a policy to administer cost reimbursement agreements executed under this section. Cost reimbursement agreements administered by the center under this section must be based on competitive bids that are awarded for each agreement to the responsible bidder from a prequalified consultant roster that submitted the lowest responsive bid as described in RCW 43.19.1911.

(7) Prior to entering negotiation with the applicant on cost reimbursement, the center shall request work load analyses for the permits from each permitting agency. These analyses shall be available to the public. The center may only agree to reduce work load if there is a good cause to do so and there is no significant impact on environmental review.

(8) If independent consultants are hired under the cost reimbursement agreement, they shall report directly to the permitting agency.

(9) The center shall develop guidance to ensure that, in developing cost reimbursement agreements, conflict of interest problems are eliminated.

(10) For permits it coordinates, the permit assistance center shall coordinate all cost-reimbursement agreements executed under RCW 43.21A.690, 43.30.420, 43.70.630, 43.300.080, and 70.94.085.

NEW SECTION. Sec. 8. (1) There is established the permit assistance advisory council composed of eleven members. Seven members shall be appointed by the governor. In making these appointments, the governor shall include representation from business, the environmental community, agriculture, port districts, counties, cities, and the tribes. Two members shall be members of the senate selected by the president of the senate with one member selected from each caucus in the senate, and two members shall be members of the house of representatives selected by the speaker of the house of representatives with one member selected from each caucus in the house of representatives. The legislative members shall be nonvoting members of the council. Appointments to the council shall reflect geographical balance and the diversity of population within Washington state. Members shall serve four-year terms. Of the initial members appointed to the council, two shall serve for two years, two shall serve for three years, and two shall serve for four years. Thereafter members shall be appointed to four-year terms. Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated. Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

(2) The council shall elect a chair and a vice-chair from the voting members of the committee. The chair and vice-chair shall serve a term of one year.

(3) The council shall:

(a) Assess the performance of the center;

(b) Review annual customer surveys conducted by the center to determine the effectiveness of the center; and

(c) Recommend changes to the services provided by the center to enhance technical assistance to permit applicants.

(4) The council shall meet at least four times per year.

NEW SECTION. Sec. 9. (1) The powers, duties, and functions of the permit assistance center at the department of ecology are transferred to the center created in section 3 of this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the center. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the center. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the center.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on June 30, 2002, be transferred and credited to the center.

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

(3) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the center. All existing contracts and obligations shall remain in full force and shall be performed by the center.

(4) The transfer of the powers, duties, functions, and personnel of the authority shall not affect the validity of any act performed before June 30, 2002.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. **Sec. 10.** Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council as provided in chapter 80.50 RCW.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.131 RCW to read as follows: The permit assistance center and its powers and duties terminates June 30, 2007, as provided in section 12 of this act.

NEW SECTION. **Sec. 12.** A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2008:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act; and
- (10) Section 10 of this act.

NEW SECTION. **Sec. 13.** Sections 1 through 10 of this act constitute a new chapter in Title 90 RCW.

NEW SECTION. **Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 15.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "ecology;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new chapter to Title 90 RCW; creating a new section; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment to Engrossed Second Substitute House Bill No. 2671 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

February 26, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2723, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** INTENT. The legislature finds that greater flexibility to provide state financing for projects developed under chapter 47.46 RCW will result in better use of public resources, lower financing costs, and potential savings to taxpayers. The legislature intends to: Clarify the ability of the department of transportation to use public and private financing for projects selected and developed under chapter 47.46 RCW; provide the department with specific means of state financing where that financing is in the public's best interest; provide citizens living in the impacted

areas a statutory mechanism to review proposed toll rates and provide input before adoption of toll schedules by the toll authority; and prevent unreasonable delay of critical transportation projects that are essential for public safety and welfare.

Sec. 2. RCW 47.56.010 and 1984 c 7 s 246 are each amended to read as follows:

PROVIDING DEFINITION FOR 1950 TACOMA NARROWS BRIDGE. As used in this chapter:

(1) "Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests used therefor, and buildings and improvements thereon.

(2) "Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings that the department may deem necessary for the operation of the project, together with all property, rights, easements, and interests that may be acquired by the department for the construction or the operation of the project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as those procedures are reasonably consistent and applicable.

(3) "1950 Tacoma Narrows bridge" means the bridge crossing the Tacoma Narrows that was opened to vehicle travel in 1950.

Sec. 3. RCW 47.46.030 and 1996 c 280 s 1 are each amended to read as follows:

DEMONSTRATION PROJECTS--SELECTION--PUBLIC INVOLVEMENT. (1) The secretary or a designee shall solicit proposals from, and negotiate and enter into agreements with, private entities to undertake as appropriate, together with the department and other public entities, all or a portion of the study, planning, design, construction, operation, and maintenance of transportation systems and facilities, using in whole or in part public or private sources of financing.

The public-private initiatives program may develop up to six demonstration projects. Each proposal shall be weighed on its own merits, and each of the six agreements shall be negotiated individually, and as a stand-alone project.

(2) If project proposals selected prior to September 1, 1994, are terminated by the public or private sectors, the department shall not select any new projects, including project proposals submitted to the department prior to September 1, 1994, and designated by the transportation commission as placeholder projects, after June 16, 1995, until June 30, 1997.

~~((The department, in consultation with the legislative transportation committee, shall conduct a program and fiscal audit of the public-private initiatives program for the biennium ending June 30, 1997. The department shall submit a progress report to the legislative transportation committee on the program and fiscal audit by June 30, 1996, with preliminary and final audit reports due December 1, 1996, and June 30, 1997, respectively.~~

~~The department shall develop and submit a proposed public involvement plan to the 1997 legislature to identify the process for selecting new potential projects and the associated costs of implementing the plan. The legislature must adopt the public involvement plan before the department may proceed with any activity related to project identification and selection. Following legislative adoption of the public involvement plan, the department is authorized to implement the plan and to identify potential new projects.~~

~~The public involvement plan for projects selected after June 30, 1997, shall, at a minimum, identify projects that: (a) Have the potential of achieving overall public support among users of the projects, residents of communities in the vicinity of the projects, and residents of communities impacted by the projects; (b) meet a state transportation need; (c) provide a significant state benefit; and (d) provide competition among proposers and maximum cost benefits to users. Prospective projects may include projects identified by the department or submitted by the private sector.))~~

Projects that meet the minimum criteria established under this section (~~and the requirements of the public involvement plan developed by the department and approved by the legislature~~) shall be submitted to the Washington state transportation commission for its review. The commission, in turn, shall submit a list of eligible projects to the legislative transportation committee for its consideration. Forty-five days after the submission to the legislative transportation committee of the list of eligible projects, the secretary is authorized to solicit proposals for the eligible project.

~~((3) Prior to entering into agreements with private entities under the requirements of RCW 47.46.040 for any project proposal selected before September 1, 1994, or after June 30, 1997, except as provided for in subsections (11) and (12) of this section, the department shall require an advisory vote as provided under subsections (5) through (10) of this section.~~

~~(4) The advisory vote shall apply to project proposals selected prior to September 1, 1994, or after June 30, 1997, that receive public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project collected and submitted in accordance with the dates established in subsections (12) and (13) of this section. The advisory vote shall be on the preferred alternative identified under the requirements of chapter 43.21C RCW and, if applicable, the national environmental policy act, 42 U.S.C. 4321 et seq. The execution by the department of the advisory vote process established in this section is subject to the prior appropriation of funds by the legislature for the purpose of conducting environmental impact studies, a public involvement program, local involvement committee activities, traffic and economic impact analyses, engineering and technical studies, and the advisory vote.~~

~~(5) In preparing for the advisory vote, the department shall conduct a comprehensive analysis of traffic patterns and economic impact to define the geographical boundary of the project area that is affected by the imposition of tolls or user fees authorized under this chapter. The area so defined is referred to in this section as the affected project area. In defining the affected project area, the department shall, at a minimum, undertake: (a) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (b) an analysis of the anticipated traffic diversion patterns; (c) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (d) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (e) an analysis of the relationship of the project to state transportation needs and benefits.~~

~~(6)(a) After determining the definition of the affected project area, the department shall establish a committee comprised of individuals who represent cities and counties in the affected project area; organizations formed to support or oppose the project; and users of the project. The committee shall be named the public-private local involvement committee, and be known as the local involvement committee.~~

~~(b) The members of the local involvement committee shall be: (i) An elected official from each city within the affected project area; (ii) an elected official from each county within the affected project area; (iii) two persons from each county within the affected project area who represent an organization formed in support of the project, if the organization exists; (iv) two persons from each county within the affected project area who represent an organization formed to oppose the project, if the organization exists; and (v) four public members active in a statewide transportation organization. If the committee makeup results in an even number of committee members, there shall be an additional appointment of an elected official from the county in which all, or the greatest portion of the project is located.~~

~~(c) City and county elected officials shall be appointed by a majority of the members of the city or county legislative authorities of each city or county within the affected project area, respectively. The county legislative authority of each county within the affected project area shall identify and validate organizations officially formed in support of or in opposition to the project and shall make the appointments required under this section from a list submitted by the chair of the organizations. Public members shall be appointed by the governor. All appointments to the local involvement committee shall be made and submitted to the department of transportation no later than January 1, 1996, for~~

~~projects selected prior to September 1, 1994, and no later than thirty days after the affected project area is defined for projects selected after June 30, 1997. Vacancies in the membership of the local involvement committee shall be filled by the appointing authority under (b)(i) through (v) of this subsection for each position on the committee.~~

~~(d) The local involvement committee shall serve in an advisory capacity to the department on all matters related to the execution of the advisory vote.~~

~~(e) Members of the local involvement committee serve without compensation and may not receive subsistence, lodging expenses, or travel expenses.~~

~~(7) The department shall conduct a minimum thirty day public comment period on the definition of the geographical boundary of the project area. The department, in consultation with the local involvement committee, shall make adjustments, if required, to the definition of the geographical boundary of the affected project area, based on comments received from the public. Within fourteen calendar days after the public comment period, the department shall set the boundaries of the affected project area in units no smaller than a precinct as defined in RCW 29.01.120.~~

~~(8) The department, in consultation with the local involvement committee, shall develop a description for selected project proposals. After developing the description of the project proposal, the department shall publish the project proposal description in newspapers of general circulation for seven calendar days in the affected project area. Within fourteen calendar days after the last day of the publication of the project proposal description, the department shall transmit a copy of the map depicting the affected project area and the description of the project proposal to the county auditor of the county in which any portion of the affected project area is located.~~

~~(9) The department shall provide the legislative transportation committee with progress reports on the status of the definition of the affected project area and the description of the project proposal.~~

~~(10) Upon receipt of the map and the description of the project proposal, the county auditor shall, within thirty days, verify the precincts that are located within the affected project area. The county auditor shall prepare the text identifying and describing the affected project area and the project proposal using the definition of the geographical boundary of the affected project area and the project description submitted by the department and shall set an election date for the submission of a ballot proposition authorizing the imposition of tolls or user fees to implement the proposed project within the affected project area, which date may be the next succeeding general election to be held in the state, or at a special election, if requested by the department. The text of the project proposal must appear in a voter's pamphlet for the affected project area. The department shall pay the costs of publication and distribution. The special election date must be the next date for a special election provided under RCW 29.13.020 that is at least sixty days but, if authorized under RCW 29.13.020, no more than ninety days after the receipt of the final map and project description by the auditor. The department shall pay the cost of an election held under this section.~~

~~(11) Notwithstanding any other provision of law, the department may contract with a private developer of a selected project proposal to conduct environmental impact studies, a public involvement program, and engineering and technical studies funded by the legislature. For projects subject to this subsection, the department shall not enter into an agreement under RCW 47.46.040 prior to the advisory vote on the preferred alternative.~~

~~(12) Subsections (5) through (10) of this section shall not apply to project proposals selected prior to September 1, 1994, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted after September 1, 1994, and by thirty calendar days after June 16, 1995.~~

~~(13) Subsections (5) through (10) of this section shall not apply to project proposals selected after June 30, 1997, that have no organized public opposition as demonstrated by the submission to the department of original petitions bearing at least five thousand signatures of individuals opposing the project, collected and submitted by ninety calendar days after project selection.)~~

NEW SECTION. Sec. 4. A new section is added to chapter 47.46 RCW to read as follows:
USE OF STATE BONDS ON CERTAIN PROJECTS. (1) To the extent that the legislature specifically appropriates funding for a project developed under this chapter using the proceeds of bonds

issued by the state, an agreement for the design or construction of the project entered into by the secretary must incorporate provisions that are consistent with the use of the state financing provided by the appropriation.

(2) The secretary shall amend existing agreements or execute new agreements to comply with subsection (1) of this section.

(3) If the secretary is unable to reach agreement with other parties on contractual provisions providing for state financing, the secretary shall not enter into an agreement, or shall take no action with respect to an agreement, or shall exercise termination provisions.

NEW SECTION. Sec. 5. A new section is added to chapter 47.46 RCW to read as follows:
STATE TOLL FACILITIES AUTHORIZED FOR PPI PROJECTS. The department may provide for the establishment and construction of state toll bridge facilities upon any public highways of this state together with approaches to them under agreements entered into under this chapter to develop such facilities. A state toll bridge facility authorized under this section includes, but is not limited to, the construction of an additional toll bridge, including approaches, adjacent to and within two miles of an existing bridge, the imposition of tolls on both bridges, and the operation of both bridges as one toll facility.

NEW SECTION. Sec. 6. A new section is added to chapter 47.46 RCW to read as follows:
CITIZEN ADVISORY COMMITTEE CREATED. (1) A citizen advisory committee must be created for any project developed under this chapter that imposes toll charges for use of a transportation facility. The governor shall appoint nine members to the committee, all of whom must be permanent residents of the affected project area, as that term is defined by the department.

(2) The citizen advisory committee shall serve in an advisory capacity to the commission on all matters related to the imposition of tolls. Members of the committee shall serve without compensation.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given at least twenty days to review and comment on any proposed toll charge schedule. In setting toll rates, the commission shall give consideration to any recommendations of the citizen advisory committee.

NEW SECTION. Sec. 7. A new section is added to chapter 47.46 RCW to read as follows:
COMMISSION TO ESTABLISH TOLL CHARGES. (1) The commission shall fix the rates of toll and other charges for all toll bridges built under this chapter that are financed primarily by bonds issued by the state. Subject to section 6 of this act, the commission may impose and modify toll charges from time to time as conditions warrant.

(2) In establishing toll charges, the commission shall give due consideration to any required costs for operating and maintaining the toll bridge or toll bridges, including the cost of insurance, and to any amount required by law to meet the redemption of bonds and interest payments on them.

(3) The toll charges must be imposed in amounts sufficient to:

(a) Provide annual revenue sufficient to provide for annual operating and maintenance expenses;

(b) Make payments required under sections 11 and 12 of this act, including insurance costs and the payment of principal and interest on bonds issued for any toll bridge or toll bridges authorized under this chapter; and

(c) Repay the motor vehicle fund under sections 8, 11, and 12 of this act.

(4) The bond principal and interest payments, including repayment of the motor vehicle fund for amounts transferred from that fund to provide for such principal and interest payments, constitute a first direct and exclusive charge and lien on all tolls and other revenues from the toll bridge concerned, subject to operating and maintenance expenses.

NEW SECTION. Sec. 8. A new section is added to chapter 47.46 RCW to read as follows:
TERM OF TOLLS. (1) The commission shall retain toll charges on any existing and future facilities constructed under this chapter and financed primarily by bonds issued by the state until:

(a) All costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund have been fully repaid, except for funds previously expended from a legislative appropriation prior to the effective date of this act;

(b) Obligations incurred in constructing that facility have been fully paid; and

(c) The motor vehicle fund is fully repaid under section 12 of this act.

(2) This section does not prohibit the use of toll revenues to fund maintenance, operations, or management of facilities constructed under this chapter.

(3) Notwithstanding the provisions of subsection (2) of this section, upon satisfaction of the conditions enumerated in subsection (1) of this section:

(a) The facility must be operated as a toll-free facility; and

(b) The operation, maintenance, upkeep, and repair of the facility must be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington.

NEW SECTION. Sec. 9. A new section is added to chapter 47.46 RCW to read as follows:
TOLL INCREASES IN EXCESS OF FISCAL GROWTH FACTOR. Pursuant to RCW 43.135.055, the legislature authorizes the transportation commission to increase bridge tolls in excess of the fiscal growth factor.

NEW SECTION. Sec. 10. A new section is added to chapter 47.46 RCW to read as follows:
USE OF STATE BOND PROCEEDS. Proceeds of the sale of bonds issued by the state for projects constructed under this chapter must be deposited in the state treasury to the credit of a special account designated for those purposes. Those proceeds must be expended only for the purposes enumerated in this chapter, for payment of the expense incurred in the issuance and sale of any such bonds, and to repay the motor vehicle fund, except for funds previously expended from a legislative appropriation prior to the effective date of this act, for any sums advanced to pay the cost of surveys, location, design, development, right-of-way, and other activities related to the financing and construction of the bridge and its approaches.

NEW SECTION. Sec. 11. A new section is added to chapter 47.46 RCW to read as follows:
TACOMA NARROWS TOLL BRIDGE ACCOUNT CREATED. A special account to be known as the Tacoma Narrows toll bridge account is created in the motor vehicle fund in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the Tacoma Narrows public-private initiative project, including any capitalized interest;

(b) All of the toll charges and other revenues received from the operation of the Tacoma Narrows bridge as a toll facility, to be deposited at least monthly; and

(c) Any interest that may be earned from the deposit or investment of those revenues.

(2) Proceeds of bonds shall be used consistent with section 10 of this act, including the reimbursement of expenses and fees incurred under agreements entered into under RCW 47.46.040 as required by those agreements.

(3) Toll charges, other revenues, and interest may be used to:

(a) Pay any required costs of financing, operation, maintenance, and management and necessary repairs of the facility; and

(b) Repay amounts to the motor vehicle fund as required under section 12 of this act.

(4) When repaying the motor vehicle fund under section 12 of this act, the state treasurer shall transfer funds from the Tacoma Narrows toll bridge account to the motor vehicle fund on or before each debt service date for bonds issued for the Tacoma Narrows public-private initiative project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

NEW SECTION. Sec. 12. A new section is added to chapter 47.46 RCW to read as follows:
TOLL CHARGES REMAIN ON FACILITY TO REPAY MOTOR VEHICLE FUND. Toll charges must be used to repay the motor vehicle fund consistent with section 11 of this act for any amounts transferred from the motor vehicle fund to the highway bond retirement fund under RCW 47.10.847 to provide for bond retirement and interest on bonds issued for the Tacoma Narrows public-private initiative project. Toll charges must remain on any facility financed by bonds issued by the state for a length of time necessary to repay the motor vehicle fund, except for funds previously expended from a legislative appropriation prior to the effective date of this act, for any amounts expended from that fund for the design, development, right-of-way, financing, construction, maintenance, repair, or operation of the toll facility or for amounts transferred from the motor vehicle fund to the highway bond retirement fund under RCW 47.10.847 to provide for bond retirement and interest on bonds issued for the Tacoma Narrows public-private initiative project.

NEW SECTION. Sec. 13. A new section is added to chapter 47.46 RCW to read as follows:
ALTERATION DOES NOT CONSTITUTE NEW PROPOSAL. If a proposal is or has been selected for the design, development, construction, maintenance, or operation of transportation systems or facilities under this chapter, subsequent agreements may be made to implement portions of the proposal that modify the proposal or that do not incorporate all the features of the proposal. Any such modified agreement does not require the solicitation or consideration of additional proposals for all or any portion of the services rendered under that modified agreement. Modified agreements may provide for the reimbursement of expenses and fees incurred under earlier agreements.

NEW SECTION. Sec. 14. A new section is added to chapter 47.46 RCW to read as follows:
APPLICABLE RULES AND STATUTES. All projects designed, constructed, and operated under this chapter must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

NEW SECTION. Sec. 15. A new section is added to chapter 47.46 RCW to read as follows:
APPLICATION OF RCW 47.46.040 AND 47.46.050. RCW 47.46.040 and 47.46.050 apply only to those agreements that include private sources of financing in whole or in part.

Sec. 16. RCW 47.46.040 and 2001 c 64 s 14 are each amended to read as follows:
DEMONSTRATION PROJECTS--TERMS OF AGREEMENTS--PUBLIC PARTICIPATION. (1) ~~((All projects designed, constructed, and operated under this authority must comply with all applicable rules and statutes in existence at the time the agreement is executed, including but not limited to the following provisions: Chapter 39.12 RCW, this title, RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.~~

~~((2)))~~ (2) The secretary or a designee shall consult with legal, financial, and other experts within and outside state government in the negotiation and development of the agreements.

~~((3)))~~ (2) Agreements ~~((shall))~~ may provide for private ownership of the projects during the construction period. After completion and final acceptance of each project or discrete segment thereof, the agreement ~~((shall))~~ may provide for state ownership of the transportation systems and facilities and lease to the private entity unless the state elects to provide for ownership of the facility by the private entity during the term of the agreement.

The state ~~((shall))~~ may lease each of the demonstration projects, or applicable project segments, to the private entities for operating purposes for up to fifty years.

~~((4)))~~ (3) The department may exercise any power possessed by it to facilitate the development, construction, financing operation, and maintenance of transportation projects under this ~~((chapter))~~ section. Agreements for maintenance services entered into under this section shall provide for full reimbursement for services rendered by the department or other state agencies. Agreements for police services for projects, involving state highway routes, developed under agreements shall be entered into with the Washington state patrol. The agreement for police services shall provide that the state patrol will be reimbursed for costs on a comparable basis with the costs incurred for comparable

service on other state highway routes. The department may provide services for which it is reimbursed, including but not limited to preliminary planning, environmental certification, and preliminary design of the demonstration projects.

~~((5))~~ (4) The plans and specifications for each project constructed under this section shall comply with the department's standards for state projects. A facility constructed by and leased to a private entity is deemed to be a part of the state highway system for purposes of identification, maintenance, and enforcement of traffic laws and for the purposes of applicable sections of this title. Upon reversion of the facility to the state, the project must meet all applicable state standards. Agreements shall address responsibility for reconstruction or renovations that are required in order for a facility to meet all applicable state standards upon reversion of the facility to the state.

~~((6))~~ (5) For the purpose of facilitating these projects and to assist the private entity in the financing, development, construction, and operation of the transportation systems and facilities, the agreements may include provisions for the department to exercise its authority, including the lease of facilities, rights of way, and airspace, exercise of the power of eminent domain, granting of development rights and opportunities, granting of necessary easements and rights of access, issuance of permits and other authorizations, protection from competition, remedies in the event of default of either of the parties, granting of contractual and real property rights, liability during construction and the term of the lease, authority to negotiate acquisition of rights of way in excess of appraised value, and any other provision deemed necessary by the secretary.

~~((7))~~ (6) The agreements entered into under this section may include provisions authorizing the state to grant necessary easements and lease to a private entity existing rights of way or rights of way subsequently acquired with public or private financing. The agreements may also include provisions to lease to the entity airspace above or below the right of way associated or to be associated with the private entity's transportation facility. In consideration for the reversion rights in these privately constructed facilities, the department may negotiate a charge for the lease of airspace rights during the term of the agreement for a period not to exceed fifty years. If, after the expiration of this period, the department continues to lease these airspace rights to the private entity, it shall do so only at fair market value. The agreement may also provide the private entity the right of first refusal to undertake projects utilizing airspace owned by the state in the vicinity of the public-private project.

~~((8))~~ (7) Agreements under this section may include any contractual provision that is necessary to protect the project revenues required to repay the costs incurred to study, plan, design, finance, acquire, build, install, operate, enforce laws, and maintain toll highways, bridges, and tunnels and which will not unreasonably inhibit or prohibit the development of additional public transportation systems and facilities. Agreements under this section must secure and maintain liability insurance coverage in amounts appropriate to protect the project's viability and may address state indemnification of the private entity for design and construction liability where the state has approved relevant design and construction plans.

~~((9) Agreements shall include a process that provides for public involvement in decision making with respect to the development of the projects.~~

~~(10)(a) In carrying out the public involvement process required in subsection (9) of this section, the private entity shall proactively seek public participation through a process appropriate to the characteristics of the project that assesses and demonstrates public support among: Users of the project, residents of communities in the vicinity of the project, and residents of communities impacted by the project.~~

~~(b) The private entity shall conduct a comprehensive public involvement process that provides, periodically throughout the development and implementation of the project, users and residents of communities in the affected project area an opportunity to comment upon key issues regarding the project including, but not limited to: (i) Alternative sizes and scopes; (ii) design; (iii) environmental assessment; (iv) right of way and access plans; (v) traffic impacts; (vi) tolling or user fee strategies and tolling or user fee ranges; (vii) project cost; (viii) construction impacts; (ix) facility operation; and (x) any other salient characteristics.~~

~~(c) If the affected project area has not been defined, the private entity shall define the affected project area by conducting, at a minimum: (i) A comparison of the estimated percentage of residents of communities in the vicinity of the project and in other communities impacted by the project who~~

~~could be subject to tolls or user fees and the estimated percentage of other users and transient traffic that could be subject to tolls or user fees; (ii) an analysis of the anticipated traffic diversion patterns; (iii) an analysis of the potential economic impact resulting from proposed toll rates or user fee rates imposed on residents, commercial traffic, and commercial entities in communities in the vicinity of and impacted by the project; (iv) an analysis of the economic impact of tolls or user fees on the price of goods and services generally; and (v) an analysis of the relationship of the project to state transportation needs and benefits.~~

~~The agreement may require an advisory vote by users of and residents in the affected project area.~~

~~(d) In seeking public participation, the private entity shall establish a local involvement committee or committees comprised of residents of the affected project area, individuals who represent cities and counties in the affected project area, organizations formed to support or oppose the project, if such organizations exist, and users of the project. The private entity shall, at a minimum, establish a committee as required under the specifications of RCW 47.46.030(6)(b) (ii) and (iii) and appointments to such committee shall be made no later than thirty days after the project area is defined.~~

~~(e) Local involvement committees shall act in an advisory capacity to the department and the private entity on all issues related to the development and implementation of the public involvement process established under this section.~~

~~(f) The department and the private entity shall provide the legislative transportation committee and local involvement committees with progress reports on the status of the public involvement process including the results of an advisory vote, if any occurs.~~

~~(H)) (8) Nothing in this chapter limits the right of the secretary and his or her agents to render such advice and to make such recommendations as they deem to be in the best interests of the state and the public.~~

Sec. 17. RCW 47.46.050 and 1995 2nd sp.s. c 19 s 4 are each amended to read as follows:

FINANCIAL ARRANGEMENTS. (1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by ~~((section 1012 of ISTEA))~~ federal law, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section ~~((shall))~~ may authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum development fee and, where appropriate, a maximum rate of return on investment, based on project and financing characteristics. If the negotiated rate of return on investment or development fee is not affected, the private entity may establish and modify toll rates and user fees.

(3) Agreements that include a maximum rate of return may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of ~~((the private entity's))~~:

(a) The capital outlay costs for the project, including ((project development costs, interest expense,)) the costs associated with planning, design, development, financing, construction, improvement, operations, toll collection, maintenance, and administration of the project((,));

(b) The reimbursement to the state for all costs associated with ((an election as required under RCW 47.46.030, the costs of)) project review and oversight((,)) and technical and law enforcement services((,));

(c) The establishment of a fund to assure the adequacy of maintenance expenditures((,)); and

(d) A reasonable return on investment to the private entity. A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection.

Sec. 18. RCW 47.46.060 and 1998 c 179 s 4 are each amended to read as follows:

DEFERRAL OF TAXES. (1) Any person, including the department of transportation and any private entity (~~(that is party to an agreement under this chapter)~~) or entities, may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project. (~~The use of the certificate shall be governed by rules established by the department of revenue.~~)

(3) The department of transportation or a private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax. The project is operationally complete under this section when the collection of tolls is commenced for the state route number 16 improvements covered by the deferral.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department of transportation or a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity. Transfer of ownership does not terminate the deferral.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

Sec. 19. RCW 47.56.030 and 2001 c 59 s 1 are each amended to read as follows:

DEPARTMENT'S POWERS AND DUTIES REGARDING TOLL FACILITIES. (1) Except as permitted under chapter 47.46 RCW:

(a) The department of transportation shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The transportation commission shall determine and establish the tolls and charges thereon, and shall perform all duties and exercise all powers relating to the financing, refinancing, and fiscal management of all toll bridges and other toll facilities including the Washington state ferries, and bonded indebtedness in the manner provided by law.

(c) The department shall have full charge of design of all toll facilities.

(d) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (~~(a)~~) (d)(i) and (~~(b)~~) (ii) of this subsection:

(~~(a)~~) (i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

~~((b))~~ (ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) Except as provided in (d) of this subsection, when the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

(d) If the department is procuring large equipment or systems (e.g., electrical, propulsion) needed for the support, maintenance, and use of a ferry operated by Washington state ferries, the department shall proceed with a formal request for proposal solicitation under this subsection (2) without a determination of necessity by the secretary.

Sec. 20. RCW 47.56.270 and 1983 c 3 s 129 are each amended to read as follows:

LAKE WASHINGTON AND 1950 TACOMA NARROWS BRIDGE MADE PART OF PRIMARY HIGHWAYS. The Lake Washington bridge (~~and the Tacoma Narrows bridge~~) in chapter 47.17 RCW made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up, and repaired by the department in the manner provided

in this chapter, and the cost of such operation, maintenance, upkeep, and repair shall be paid from funds appropriated for the use of the department for the construction and maintenance of the primary state highways of the state of Washington.

Sec. 21. RCW 47.56.271 and 1983 c 3 s 130 are each amended to read as follows:

1950 TACOMA NARROWS BRIDGE TO REMAIN TOLL-FREE--EXCEPTION. Except as otherwise provided in this section, the 1950 Tacoma Narrows bridge hereinbefore by the provisions of RCW 47.17.065 and 47.56.270 made a part of the primary state highways of the state shall be operated and maintained by the department as a toll-free facility at such time as the ((present)) bonded indebtedness relating ((thereto)) to the construction of the 1950 Tacoma Narrows bridge is wholly retired and tolls equaling the ((present)) indebtedness of the toll bridge authority incurred for the construction of the 1950 Tacoma Narrows bridge to the county of Pierce have been collected. ((It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge.)) Toll charges may be imposed upon the 1950 Tacoma Narrows bridge only if that bridge is included as part of a public toll bridge facility that includes an additional toll bridge adjacent to the 1950 Tacoma Narrows bridge and constructed under section 5 of this act.

Sec. 22. RCW 39.46.070 and 1983 c 167 s 7 are each amended to read as follows:

BONDS--PAYMENT OF COSTS OF ISSUANCE AND SALE. (1) Except as provided in subsection (2) of this section, the proceeds of any bonds issued by the state or a local government may be used to pay incidental costs and costs related to the sale and issuance of the bonds. Such costs include payments for fiscal and legal expenses, obtaining bond ratings, printing, engraving, advertising, establishing and funding reserve accounts and other accounts, an amount for working capital, capitalized interest for up to six months after completion of construction, necessary and related engineering, architectural, planning, and inspection costs, and other similar activities or purposes.

(2) In addition to the costs enumerated in subsection (1) of this section, costs authorized under this section include capitalized interest for up to seventy-two months from the date of issuance for bonds issued by the state for the construction of a public toll bridge under chapter 47.46 RCW.

Sec. 23. RCW 47.56.245 and 1984 c 7 s 267 are each amended to read as follows:

TOLL CHARGES RETAINED UNTIL COSTS PAID. The department shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, except for funds previously expended from a legislative appropriation prior to the effective date of this act, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid.

With respect to every facility completed after March 19, 1953, costs of maintenance(~~(management,))~~) and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred.

Sec. 24. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this

subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 25. LEGISLATIVE OVERSIGHT COMMITTEE.** The department of transportation shall provide staff support to a legislative oversight committee that will manage a study of public-private partnerships in transportation. The legislative oversight committee will consist of three members from each caucus in each house of the legislature, appointed by the leadership of the legislators' respective caucus. The legislative oversight committee shall analyze and make recommendations on: (1) The barriers that prevent the private sector from providing transportation services, which could include ferry, bus, or monorail; (2) the use of public-private partnerships nationally and the experiences of other states in using public-private partnerships; (3) the public-private opportunities for transportation projects in Washington; and (4) the advantages and disadvantages of the financing options available for public-private partnerships. The legislative oversight committee shall report its findings and recommendations to the legislature by December 1, 2003.

NEW SECTION. **Sec. 26. CAPTIONS.** Captions used in this act do not constitute any part of the law."

In line 3 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 47.56.010, 47.46.030, 47.46.040, 47.46.050, 47.46.060, 47.56.030, 47.56.270, 47.56.271, 39.46.070, and 47.56.245; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.46 RCW; and creating new sections."

There being no objection, the House refused to concur in the Senate Amendment to Engrossed House Bill No. 2723 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2807, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington promise scholarship program for academically successful high school graduates from low and middle-income families. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school

with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

NEW SECTION. Sec. 2. The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW and students participating in home-based instruction as provided in chapter 28A.200 RCW who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top ten percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, and students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

(11) Scholarships may be awarded only to legal residents of the United States residing in Washington state.

NEW SECTION. Sec. 3. The higher education coordinating board, with the assistance of the office of the superintendent of public instruction, shall implement and administer the Washington promise scholarship program described in section 2 of this act as follows:

(1) The first scholarships shall be awarded to eligible students enrolling in postsecondary education in the 2002-03 academic year.

(2) The office of the superintendent of public instruction shall provide information to the higher education coordinating board that is necessary for implementation of the program. The higher education coordinating board and the office of the superintendent of public instruction shall jointly establish a timeline and procedures necessary for accurate and timely data reporting.

(a) For students meeting the academic eligibility criteria as provided in section 2(1)(a) of this act, the office of the superintendent of public instruction shall provide the higher education coordinating board with student names, addresses, birth dates, and unique numeric identifiers.

(b) Public and approved private high schools under chapter 28A.195 RCW shall provide requested information necessary for implementation of the program to the office of the superintendent of public instruction within the established timeline.

(c) All student data is confidential and may be used solely for the purposes of providing scholarships to eligible students.

(3) The higher education coordinating board may adopt rules to implement this chapter.

NEW SECTION. Sec. 4. The Washington promise scholarship program shall not be funded at the expense of the state need grant program as defined in RCW 28B.10.800 through 28B.10.824. In administering the state need grant and promise scholarship programs, the higher education coordinating board shall first ensure that eligibility for state need grant recipients is at least fifty-five percent of state median family income.

NEW SECTION. Sec. 5. This chapter shall not be construed to change current state requirements for students who received home-based instruction under chapter 28A.200 RCW.

NEW SECTION. Sec. 6. (1) The Washington promise scholarship account is created in the custody of the state treasurer. The account shall be a nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington promise scholarship program, private contributions to the program, and refunds of Washington promise scholarships.

(3) Expenditures from the account shall be used for scholarships to eligible students.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

Sec. 7. RCW 43.79A.040 and 2001 c 201 s 4 and 2001 c 184 s 4 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "scholarships;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment to Substitute House Bill No. 2807 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1079, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.34 RCW to read as follows:

(1) The legislature shall approve names for new or existing buildings on the state capitol grounds based upon recommendations from the state capitol committee and the director of the department of general administration, with the advice of the capitol campus design advisory committee, subject to the following limitations:

(a) An existing building may be renamed only after a substantial renovation or a change in the predominant tenant agency headquartered in the building.

(b) A new or existing building may be named or renamed after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the building;

(iii) The single or predominant tenant agency headquartered in the building;

(iv) A significant place name or natural place in Washington;
(v) A Native American tribe located in Washington;
(vi) A group of people or type of person;
(vii) Any other appropriate person consistent with this section as recommended by the director of the department of general administration.

(c) The names on the facades of the state capitol group shall not be removed.

(2) The legislature shall approve names for new or existing public rooms or spaces on the west capitol campus based upon recommendations from the state capitol committee and the director of the department of general administration, with the advice of the capitol campus design advisory committee, subject to the following limitations:

(a) An existing room or space may be renamed only after a substantial renovation;

(b) A new or existing room or space may be named or renamed only after:

(i) An individual who has played a significant role in Washington history;

(ii) The purpose of the room or space;

(iii) A significant place name or natural place in Washington;

(iv) A Native American tribe located in Washington;

(v) A group of people or type of person;

(vi) Any other appropriate person consistent with this section as recommended by the director of the department of general administration.

(3) When naming or renaming buildings, rooms, and spaces under this section, consideration must be given to: (a) Any disparity that exists with respect to the gender of persons after whom buildings, rooms, and spaces are named on the state capitol grounds; (b) the diversity of human achievement; and (c) the diversity of the state's citizenry and history.

(4) For purposes of this section, "state capitol grounds" means buildings and land owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, the north capitol campus, the Tumwater campus, the Lacey campus, Sylvester Park, Centennial Park, the Old Capitol Building, and Capitol Lake."

On page 1, line 1 of the title, after "buildings;" strike the remainder of the title and insert "and adding a new section to chapter 43.34 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1079 and advanced the bill as amended by the Senate to final passage.

Representatives Romero and McMorris spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 1079 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1268, with the following amendment:

On page 15, line 31, strike "demonstrated" and insert "determined"

On page 16, line 2, after "section" insert ", including contracts and agreements between public entities,"

On page 16, line 1, after "services that" insert "is expressly mandated by the legislature or"

On page 66, line 17, strike "two members" insert "the chair and ranking minority member"

On page 66, line 20, strike "two members" insert "the chair and ranking minority member"

On page 64, line 14, after "later." insert "The duration of any collective bargaining agreement under this chapter shall not exceed one fiscal biennium."

On page 69, line 13, strike "and"

On page 69, line 15, after "emergencies" strike the period and insert "; and"

On page 69, after line 15, insert the following:
"(5) Retirement plans and retirement benefits."

On page 80, line 16, strike "one percent" and insert "one tenth of one percent"

On page 66, line 30, after "appropriations," insert "as declared by proclamation of the governor or by resolution of the legislature,"

On page 65, beginning on line 18, after "agreement" strike all material down to and including "convenes" on line 21.

On page 65, beginning on line 22, after "agreements" strike all material down to and including "section" on line 24.

On page 65, line 27, strike "prior to October 1 of the year they are negotiated" and insert "by October 1 prior to the legislative session at which the requests are to be considered"

On page 65, line 31, after "whole." insert "The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 1268 and advanced the bill as amended by the Senate to final passage.

Representatives Romero and Hurst spoke in favor of the passage of the bill.

Representatives McMorris, Mastin, Clements and Chandler spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1268 as amended by the Senate and the bill passed the House by the following vote: Yeas - 56, Nays - 40, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, and Woods - 40.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 1268 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2060, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes housing affordability has become a significant problem for a large portion of society in many parts of Washington state in recent years. The state has traditionally focused its resources on housing for low-income populations. Additional funding resources are needed for building operation and maintenance activities for housing projects affordable to extremely low-income people, for example farmworkers or people with developmental disabilities. Affordable rents for extremely low-income people are not sufficient to cover the cost of building operations and maintenance. In addition resources are needed at the local level to assist in development and preservation of affordable low-income housing to address critical local housing needs.

NEW SECTION. Sec. 2. A new section is added to chapter 36.22 RCW to read as follows:
(1) Except as provided in subsection (2) of this section, a surcharge of ten dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. The auditor may retain up to five percent of these funds collected to administer the collection of these funds. Of the remaining funds, forty percent of the revenue generated through this surcharge will be transmitted monthly to the state treasurer who will deposit the funds into the Washington housing trust account. The office of community development of the department of community, trade, and economic development will develop guidelines for the use of

these funds to support building operation and maintenance costs of housing projects or units within housing projects that are affordable to extremely low-income persons with incomes at or below thirty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses. Sixty percent of the revenue generated by this surcharge will be retained by the county and be deposited into a fund that must be used by the county and its cities and towns for housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income. The portion of the surcharge retained by a county shall be allocated to very low-income housing projects or units within such housing projects in the county and the cities within a county according to an interlocal agreement between the county and the cities within the county, consistent with countywide and local housing needs and policies. The funds generated with this surcharge shall not be used for construction of new housing if at any time the vacancy rate for available low-income housing within the county rises above ten percent. The vacancy rate for each county shall be developed using the state low-income vacancy rate standard developed under subsection (3) of this section. Permissible uses of these local funds are limited to:

(a) Acquisition, construction, or rehabilitation of housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income;

(b) Supporting building operation and maintenance costs of housing projects or units within housing projects built with housing trust funds, that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, and that require a supplement to rent income to cover ongoing operating expenses;

(c) Rental assistance vouchers for housing projects or units within housing projects that are affordable to very low-income persons with incomes at or below fifty percent of the area median income, to be administered by a local public housing authority or other local organization that has an existing rental assistance voucher program, consistent with the United States department of housing and urban development's section 8 rental assistance voucher program standards; and

(d) Operating costs for emergency shelters and licensed overnight youth shelters.

(2) The surcharge imposed in this section does not apply to assignments or substitutions of previously recorded deeds of trust.

(3) The real estate research center at Washington State University shall develop a vacancy rate standard for low-income housing in the state as described in RCW 18.85.540(1)(i).

Sec. 3. RCW 36.18.010 and 1999 c 233 s 3 are each amended to read as follows:

County auditors or recording officers shall collect the following fees for their official services:

For recording instruments, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar. The fee for recording multiple transactions contained in one instrument will be calculated for each transaction requiring separate indexing as required under RCW 65.04.050 as follows: The fee for each title or transaction is the same fee as the first page of any additional recorded document; the fee for additional pages is the same fee as for any additional pages for any recorded document; the fee for the additional pages may be collected only once and may not be collected for each title or transaction;

For preparing and certifying copies, for the first page eight and one-half by fourteen inches or less, three dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For preparing noncertified copies, for each page eight and one-half by fourteen inches or less, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing a marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee for use and support of the prevention of child abuse and neglect activities to be transmitted monthly to the state treasurer and deposited in the state general fund plus an additional ten-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund. The legislature intends to appropriate an amount at least equal to the revenue generated by this fee for the purposes of the displaced homemaker act, chapter 28B.04 RCW;

For searching records per hour, eight dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For recording of miscellaneous records not listed above, for the first page eight and one-half by fourteen inches or less, five dollars; for each additional page eight and one-half by fourteen inches or less, one dollar;

For modernization and improvement of the recording and indexing system, a surcharge as provided in RCW 36.22.170.

For recording an emergency nonstandard document as provided in RCW 65.04.047, fifty dollars, in addition to all other applicable recording fees.

For recording instruments, a surcharge as provided in section 2 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.330 RCW to read as follows:

The office of community development of the department of community, trade, and economic development is directed to conduct a statewide housing market analysis by region. The purpose of the analysis is to identify areas of greatest need for the appropriate investment of state affordable housing funds, using vacancy data and other appropriate measures of need for low-income housing. The analysis shall include the number and types of projects that counties have developed using the funds collected under this act. The analysis shall be completed by September 2003, and updated every two years thereafter.

Sec. 5. RCW 18.85.540 and 1999 c 192 s 3 are each amended to read as follows:

(1) The purpose of a real estate research center in Washington state is to provide credible research, value-added information, education services, and project-oriented research to real estate licensees, real estate consumers, real estate service providers, institutional customers, public agencies, and communities in Washington state and the Pacific Northwest region. The center may:

(a) Conduct studies and research on affordable housing and strategies to meet the affordable housing needs of the state;

(b) Conduct studies in all areas directly or indirectly related to real estate and urban or rural economics and economically isolated communities;

(c) Disseminate findings and results of real estate research conducted at or by the center or elsewhere, using a variety of dissemination media;

(d) Supply research results and educational expertise to the Washington state real estate commission to support its regulatory functions, as requested;

(e) Prepare information of interest to real estate consumers and make the information available to the general public, universities, or colleges, and appropriate state agencies;

(f) Encourage economic growth and development within the state of Washington;

(g) Support the professional development and continuing education of real estate licensees in Washington; ~~(and)~~

(h) Study and recommend changes in state statutes relating to real estate; and

(i) Develop a vacancy rate standard for low-income housing in the state.

(2) The director shall establish a memorandum of understanding with an institution of higher learning that establishes a real estate research center for the purposes under subsection (1) of this section.

(3) This section expires September 30, 2005.

Sec. 6. RCW 43.185.050 and 1994 c 160 s 1 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during

any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

- (2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:
- (a) New construction, rehabilitation, or acquisition of low and very low-income housing units;
 - (b) Rent subsidies;
 - (c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;
 - (d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;
 - (e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;
 - (f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;
 - (g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;
 - (h) Mortgage insurance guarantee or payments for eligible projects;
 - (i) Down payment or closing cost assistance for eligible first-time home buyers;
 - (j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and
 - (k) Projects making housing more accessible to families with members who have disabilities.
- (3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.
- (4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.
- (5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program."

On page 1, line 3 of the title, after "projects;" strike the remainder of the title and insert "amending RCW 36.18.010, 18.85.540, and 43.185.050; adding a new section to chapter 36.22 RCW; adding a new section to chapter 43.330 RCW; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2060 and advanced the bill as amended by the Senate to final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2060 as amended by the Senate and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Carrell, Cox, Crouse, DeBolt, Delvin, Dunn, Esser, Holmquist, Mastin, McMorris, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 31.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 2060 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2309, with the following amendment:

On page 4, on line 13, before "and", insert:

"(4) Have authority to provide requirements for continuing competency as a condition of license renewal by rule in agreement with the secretary;"

ReNUMBER the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2309 and advanced the bill as amended by the Senate to final passage.

Representatives Campbell and Cody spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2309 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 2309 as amended by the Senate having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on final passage by which Substitute House Bill No. 2060 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2060 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2060 on reconsideration, and the bill passed the House by the following vote: Yeas - 65, Nays - 31, Absent - 0, Excused - 2.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Cairnes, Campbell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 65.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Carrell, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Holmquist, Mastin, McMorris, Mielke, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 31.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 2060, on reconsideration, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2325, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the distribution of food by donors to charitable organizations, such as shelters, churches, and fraternal organizations, serving communal meals to needy individuals can be done safely consistent with rules and recommended health and safety guidelines. The establishment of recommended donor guidelines by the department of health can educate the public about the preparation and handling of food donated to charitable organizations for distribution to homeless and other needy people. The purpose of this act is to authorize and facilitate the donation of food to needy persons in accordance with health and safety guidelines and rules, to assure that the donated food will not place needy recipients at risk, and to encourage businesses and individuals to donate surplus food to charitable organizations serving our state's needy population.

NEW SECTION. Sec. 2. A new section is added to chapter 69.80 RCW to read as follows:
(1) No later than December 31, 2004, the state board of health shall promulgate rules for the safe receipt, preparation, and handling by distributing organizations of food accepted from donors in order to facilitate the donation of food, free of charge, and to protect the health and safety of needy people.

(2) No later than December 31, 2004, the department of health, in consultation with the state board of health, shall develop educational materials for donors containing recommended health and safety guidelines for the preparation and handling of food donated to distributing organizations.

Sec. 3. RCW 69.80.050 and 1983 c 241 s 6 are each amended to read as follows:

(1) Appropriate state and local agencies are authorized to inspect donated food items for wholesomeness and may establish procedures for the handling of food items.

(2) To facilitate the free distribution of food to needy persons, the local health officer, upon request from either a donor or distributing organization, may grant a variance to chapter 246-215 WAC covering physical facilities, equipment standards, and food source requirements when no known or expected health hazard would exist as a result of the action.

NEW SECTION. **Sec. 4.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "food;" strike the remainder of the title and insert "amending RCW 69.80.050; adding a new section to chapter 69.80 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2325 and advanced the bill as amended by the Senate to final passage.

Representatives Wood and Schoesler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2325 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed Substitute House Bill No. 2325 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2432, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.52.130 and 2001 c 309 s 1 are each amended to read as follows:

- (1) A certified abstract of the driving record shall be furnished only to:
 - (a) The individual named in the abstract((~~τ~~));
 - (b) An employer or prospective employer or an agent acting on behalf of an employer or prospective employer((~~τ~~));
 - (c) An employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs;
 - (d) The insurance carrier that has insurance in effect covering the employer or a prospective employer((~~τ~~));
 - (e) The insurance carrier that has motor vehicle or life insurance in effect covering the named individual((~~τ~~));
 - (f) The insurance carrier to which the named individual has applied((~~τ~~));
 - (g) An alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment((~~τ~~)); or
 - (h) City and county prosecuting attorneys.
- (2) City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.
- (3) The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies.
- (4) Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years.
- (5) Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract ((~~τ~~)), to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual, or to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.
- (6) The abstract, whenever possible, shall include:
 - (a) An enumeration of motor vehicle accidents in which the person was driving;
 - (b) The total number of vehicles involved;
 - (c) Whether the vehicles were legally parked or moving;
 - (d) Whether the vehicles were occupied at the time of the accident;
 - (e) Whether the accident resulted in any fatality;
 - (f) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; (~~and~~)
 - (g) The status of the person's driving privilege in this state(~~(. The enumeration shall include)~~);

and
- (h) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.
- (7) Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).
- (8) The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred

prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

(9) The director shall collect for each abstract the sum of four dollars and fifty cents which shall be deposited in the highway safety fund.

(10) Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(11) Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer receiving the certified abstract shall use it exclusively for his or her own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information contained in it to a third party.

(12) Any employee or agent of a transit authority receiving a certified abstract for its vanpool program shall use it exclusively for determining whether the volunteer licensee meets those insurance and risk management requirements necessary to drive a vanpool vehicle. The transit authority may not divulge any information contained in the abstract to a third party.

(13) Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

(14) Release of a certified abstract of the driving record of an employee or prospective employee requires a statement signed by: ~~((1))~~ (a) The employee or prospective employee that authorizes the release of the record, and ~~((2))~~ (b) the employer attesting that the information is necessary to determine whether the licensee should be employed to operate a commercial vehicle or school bus upon the public highways of this state. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(15) Any negligent violation of this section is a gross misdemeanor.

(16) Any intentional violation of this section is a class C felony."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 46.52.130."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2432 and advanced the bill as amended by the Senate to final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2432 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 2432 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2501, with the following amendment:

On page 1, on line 12, after "manipulation", strike "insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment" and insert: "~~((insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment))~~".

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2501 and advanced the bill as amended by the Senate to final passage.

Representatives Campbell and Cody spoke in favor of the passage of the bill.

Representative Pflug spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2501 as amended by the Senate and the bill passed the House by the following vote: Yeas - 92, Nays - 4, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Anderson, Boldt, Pflug, and Sehlin - 4.

Excused: Representatives Lisk and Schmidt - 2.

House Bill No. 2501 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 2, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2672, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.24 RCW to read as follows:

(1) A licensed service provider or regional support network, acting in the course of the provider's or network's duties under this chapter, is not liable for civil damages resulting from the injury or death of another caused by a dangerous mentally ill offender who is a client of the provider or network, unless the act or omission of the provider or network constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed service provider and regional support network shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed service provider's or regional support network's mere act of treating a dangerous mentally ill offender is not negligence. Nothing in this subsection alters the licensed service provider's or regional support network's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed service providers and regional support networks and does not apply to conduct of the state.

(5) For purposes of this section, "dangerous mentally ill offender" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and adding a new section to chapter 71.24 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2676 and advanced the bill as amended by the Senate to final passage.

Representative Kirby spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2672 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

House Bill No. 2672 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2773, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** To provide uniformity in the marketplace and to protect consignors of apples, the existing state standards for grades and packs of apples shall be evaluated. Revision of the standards for grades and packs of apples that will clarify the standards in such a way that they will be applied consistently among warehouses and commission merchants shall be evaluated. The evaluation must consider the appropriate level of uniformity that will ensure that the apples of a particular variety, grade, and pack sold from one warehouse will be equivalent to the apples of the same variety, grade, and pack sold from other warehouses.

For this purpose, the director shall convene an apple grades and packs committee that is widely recognized within the horticultural industry as representing the interests of the industry to recommend by consensus revisions to the standards that it believes will provide the desired level of uniformity that best serves the interest of apple producers, packers, and consumers.

If the industry committee recommends such revisions by consensus by December 15, 2003, the director shall give great weight to the recommendations in proposing the adoption of rules that reflect the consensus recommendations.

If the apple grades and packs committee does not make recommendations by consensus by December 15, 2003, the committee shall report its findings and conclusions to the department of agriculture, and to appropriate legislative committees that have jurisdiction over agricultural issues at meetings scheduled during the next ensuing regular session of the legislature. The appropriate legislative committees may monitor the activities of the apple grades and packs committee and may schedule interim committee meetings to obtain progress reports by the apple grades and packs committee.

This section expires April 30, 2004.

NEW SECTION. **Sec. 2.** The legislature finds that consignors of fruit, whether the sale is conducted as individual sales or in a pooling arrangement, need timely and more complete marketing information regarding terms of sale for various varieties of fruit so that producers can make informed business decisions. The legislature finds that the affected industry needs to review the type of information that is currently available, the type of information that would be useful, and how best to make available the additional information.

The legislature requests that the Washington state horticultural association, the Wenatchee valley traffic association, the Yakima valley growers and shippers association, and the Washington growers clearinghouse association meet with each other to conduct a thorough analysis of the marketing information needs of the industry and provide recommendations to the legislature on how the market information needs can best be addressed. The legislature requests that these groups develop a joint report containing those items to improve the availability of market information for which agreement has been attained. On issues for which consensus has not been reached, each organization is requested to provide a brief statement containing the perspective of that industry segment. The legislature requests that these reports shall be completed by December 15, 2003, with a copy to be delivered to the director of the department of agriculture and to the appropriate standing committees of the senate and the house of representatives with jurisdiction over agricultural issues. These legislative committees may schedule interim committee meetings to obtain progress reports for activities being conducted under this section.

NEW SECTION. Sec. 3. (1) Each commission merchant that received apples imported into the United States between January 1, 2002, and November 30, 2002, shall report to the department of agriculture by December 15, 2002. The report shall include the volume of each variety of imported apples that was received by and packed and sold by the commission merchant.

(2) The department of agriculture shall compile the information, in the aggregate, and provide a report to the secretary of the senate and the chief clerk of the house of representatives by December 31, 2002.

NEW SECTION. Sec. 4. A new section is added to chapter 42.17 RCW to read as follows:
The disclosure requirements of this chapter do not apply to information that can be identified to a particular business and that is collected under section 3(1), chapter . . . , Laws of 2002 (section 3(1) of this act)."

On page 1, line 1 of the title, after "fruit;" strike the remainder of the title and insert "adding a new section to chapter 42.17 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 2773 and advanced the bill as amended by the Senate to final passage.

Representative Clements spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2773 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed House Bill No. 2773 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2866, with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that hydraulic project approvals should ensure that fish life is properly protected, but conditions attached to the approval of these permits must reasonably relate to the potential harm that the projects may produce. The legislature is particularly concerned over the current overlap of agency jurisdiction regarding storm water projects, and believes that there is an immediate need to address this issue to ensure that project applicants are not given conflicting directions over project design. Requiring a major redesign of a project results in major delays, produces exponentially rising costs for both public and private project applicants, and frequently produces only marginal benefits for fish.

The legislature recognizes that the department of ecology is primarily responsible for the approval of storm water projects. The legislature believes that once the department of ecology approves a proposed storm water project, it is inappropriate for the department of fish and wildlife to require a major redesign of that project in order for the applicant to obtain hydraulic project approval. The legislature further believes that it is more appropriate for the department of fish and wildlife to defer the design elements of a storm water project to the department of ecology and focus its own efforts on determining reasonable mitigation or conditions for the project based upon the project's potential harm to fish. It is the intent of the legislature to restore some balance over conditions attached to hydraulic permits, and to minimize overlapping state regulatory authority regarding storm water projects in order to reduce waste in both time and money while still providing ample protection for fish life.

Sec. 2. RCW 77.55.100 and 2000 c 107 s 16 are each amended to read as follows:

(1) In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the approval of the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned.

(2)(a) The department shall grant or deny approval of a standard permit within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit.

(b) The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life.

(c) The forty-five day requirement shall be suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection; or

(iii) The applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(d) For purposes of this section, "standard permit" means a written permit issued by the department when the conditions under subsections (3) and (5)(b) of this section are not met.

(3)(a) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to repair existing structures, move obstructions, restore banks, protect property, or protect fish resources. Expedited permit requests require a complete written application as provided in subsection (2)(b) of this section and shall be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance.

(b) For the purposes of this subsection, "imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(d) The department or the county legislative authority may determine if an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists.

(4) Approval of a standard permit is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.05 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent.

(5)(a) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately, upon request, oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval to protect fish life shall be established by the department and reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately, upon request, for a stream crossing during an emergency situation.

(b) For purposes of this section and RCW 77.55.110, "emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(c) The department or the county legislative authority may declare and continue an emergency when one or more of the criteria under (b) of this subsection are met. The county legislative authority shall immediately notify the department if it declares an emergency under this subsection.

(6) The department shall, at the request of a county, develop five-year maintenance approval agreements, consistent with comprehensive flood control management plans adopted under the authority of RCW 86.12.200, or other watershed plan approved by a county legislative authority, to allow for work on public and private property for bank stabilization, bridge repair, removal of sand bars and debris, channel maintenance, and other flood damage repair and reduction activity under agreed-upon conditions and times without obtaining permits for specific projects.

(7) This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020. These irrigation or stock watering diversion and streambank stabilization projects shall be governed by RCW 77.55.110.

A landscape management plan approved by the department and the department of natural resources under RCW 76.09.350(2), shall serve as a hydraulic project approval for the life of the plan if fish are selected as one of the public resources for coverage under such a plan.

(8) For the purposes of this section and RCW 77.55.110, "bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

(9) The phrase "to construct any form of hydraulic project or perform other work" does not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

Sec. 3. RCW 77.55.110 and 1998 c 190 s 88 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes, or when such hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, and when such diversion or streambank stabilization will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld or unreasonably conditioned. (~~Except as provided in RCW 75.20.1001,~~) The department shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The permit must contain provisions allowing for minor modifications to the plans and specifications without requiring reissuance of the permit. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. Approval for streambank stabilization projects shall remain in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If the department denies approval, the department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department, through its authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

For purposes of this chapter, "streambank stabilization" shall include but not be limited to log and debris removal, bank protection (including riprap, jetties, and groins), gravel removal and erosion control.

NEW SECTION. Sec. 4. A new section is added to chapter 77.55 RCW to read as follows:

(1) Notwithstanding any other provision of this chapter, all hydraulic project approvals related to storm water discharges must follow the provisions established in this section.

(2) Hydraulic project approvals issued in locations covered by a national pollution discharge elimination system municipal storm water general permit may not be conditioned or denied for water quality or quantity impacts arising from storm water discharges. A hydraulic project approval is required only for the actual construction of any storm water outfall or associated structures pursuant to this chapter.

(3)(a) In locations not covered by a national pollution discharge elimination system municipal storm water general permit, the department may issue hydraulic project approvals that contain provisions that protect fish life from adverse effects, such as scouring or erosion of the bed of the water body, resulting from the direct hydraulic impacts of the discharge.

(b) Prior to the issuance of a hydraulic project approval issued under this subsection (3), the department must:

(i) Make a finding that the discharge from the outfall will cause harmful effects to fish life;

(ii) Transmit the findings to the applicant and to the city or county where the project is being proposed; and

(iii) Allow the applicant an opportunity to use local ordinances or other mechanisms to avoid the adverse effects resulting from the direct hydraulic discharge. The forty-five day requirement for hydraulic project approval issuance pursuant to RCW 77.55.100 is suspended during the time period the department is meeting the requirements of this subsection (3)(b).

(c) After following the procedures set forth in (b) of this subsection, the department may issue a hydraulic project approval that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. The department may recommend, but not specify, the measures required to meet these discharge rates. The department may not require changes to the project design above the mean higher high water mark of marine waters, or the ordinary high water mark of fresh waters of the state. Nothing in this section alters any authority the department may have to regulate other types of projects under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 77.55 RCW to read as follows:

Conditions imposed upon hydraulic project approvals must be reasonably related to the project. The conditions must ensure that the project provides proper protection for fish life, but the department may not impose conditions that attempt to optimize conditions for fish life that are out of proportion to the impact of the proposed project.

Sec. 6. RCW 77.55.170 and 2000 c 107 s 20 are each amended to read as follows:

(1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of ~~((three))~~ six members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, ~~((and))~~ the director or the director's designee of the department whose action is appealed under subsection (6) of this section, and three local government members. One of the local government members must be appointed by the Washington state association of counties, one of the local government members must be appointed by the association of Washington cities, and one of the local government members must be appointed by the Washington public ports association. The local government members serve at the pleasure of their respective associations. A decision must be agreed to by at least ~~((two))~~ four members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by ~~((two))~~ four or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by the department: (a) Under the authority granted in RCW 77.55.110 for the diversion of water for agricultural irrigation or stock watering purposes or when associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020; or (b) under the authority granted in RCW 77.55.230 for off-site mitigation proposals.

(6)(a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to RCW 77.55.110 may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings.

Sec. 7. RCW 77.55.220 and 1996 c 192 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(b) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(2) For a marina or marine terminal in existence on June 6, 1996, or a marina or marine terminal that has received a hydraulic project approval for its initial construction, a renewable, five-year hydraulic project approval shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(3) Upon construction of a new marina or marine terminal that has received hydraulic project approval, a renewable, five-year hydraulic project approval shall be issued, upon request, for regular maintenance activities of the marina or marine terminal.

(4) For the purposes of this section, regular maintenance activities are only those activities necessary to restore the marina or marine terminal to the conditions approved in the initial hydraulic project approval. These activities may include, but are not limited to, dredging, piling replacement, and float replacement.

(5) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin."

On page 1, line 1 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 77.55.100, 77.55.110, 77.55.170, and 77.55.220; adding new sections to chapter 77.55 RCW; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2866 and advanced the bill as amended by the Senate to final passage.

Representatives Doumit and Sump spoke in favor of the passage of the bill.

Representatives Dickerson and McDermott spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2866 as amended by the Senate and the bill passed the House by the following vote: Yeas - 68, Nays - 28, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kenney, Kessler, Kirby, Linville, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Van Luven, Woods and Mr. Speaker - 68.

Voting nay: Representatives Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Fisher, Hunt, Hurst, Jarrett, Kagi, Lantz, Lovick, Lysen, McDermott, Morell, Murray, O'Brien, Ogden, Romero, Simpson, Sullivan, Tokuda, Upthegrove, Veloria and Wood - 28.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed Substitute House Bill No. 2866 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2874, with the following amendment:

On page 1, after line 5, insert the following:

"NEW SECTION. Sec. 1. The legislature finds that delivery of Columbia basin project water through canals and its application to land through irrigation over approximately the past fifty years has dramatically affected ground water in the Pasco basin, located in western Franklin county, along the Columbia river and north of the city of Pasco. According to studies conducted by the United States geological survey, the volume of ground water has increased by about five million acre-feet. About eighty-five percent of this increase is the result of percolation following irrigation and seepage from the distribution system. Ground water levels have also risen as a result of reservoirs formed behind the dams on the Columbia and Snake rivers. As a result of drainage management, the system is reported to be at equilibrium. The studies provide the information needed to determine which ground water is a result of the project and which is naturally occurring. Potential problems associated with the raised ground water levels include landslides and loss of arable land through ponding. Benefits include dilution of concentrations of nitrate and increase in volume of water potentially available for beneficial use over the naturally occurring volume otherwise available.

NEW SECTION. Sec. 2. It is the intent of the legislature to grant authority to the department of ecology to enter into agreements with the United States for allocation of ground waters that exist as a result of the Columbia basin project, adopt rules for implementing the agreements and establishing priorities for processing applications, and accept funds for expenses incurred, consistent with applicable state and federal law. Inasmuch as rules adopted by the department will be significant legislative rules, the legislature intends to assure that it will be able to properly carry out its responsibility to both give direction and review the rules after their adoption by requiring periodic reports by the department."

Renumber the remaining section consecutively.

On page 2, after line 9, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 89.12 RCW to read as follows:
The department of ecology shall report annually to the standing committees of the legislature with jurisdiction over water resources regarding the activities authorized by section 3 of this act, beginning December 1, 2002, and ending December 1, 2007."

On page 1, line 1 of the title, after "allocation of" strike the remainder of the title and insert "ground waters that exist as a result of the Columbia basin project; adding new sections to chapter 89.12 RCW; and creating new sections."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2874 and advanced the bill as amended by the Senate to final passage.

Representative Schoesler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2874 as amended by the Senate and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Lisk and Schmidt - 2.

Substitute House Bill No. 2874 as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2918, with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.46.0205 and 1987 c 4 s 3 are each amended to read as follows:
"Bingo," as used in this chapter, means a game conducted only in the county within which the organization is principally located in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization (~~which does not conduct or allow its premises to be used for conducting~~

~~bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week)), or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game. For the purposes of this section, the organization shall be deemed to be principally located in the county within which it has its primary business office. If the organization has no business office, the organization shall be deemed to be located in the county of principal residence of its chief executive officer: PROVIDED, That any organization which is conducting any licensed and established bingo game in any locale as of January 1, 1981, shall be exempt from the requirement that such game be conducted in the county in which the organization is principally located.~~

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:
The commission may allow existing licensees under RCW 9.46.070(1) to share facilities at one location.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:
An entity licensed under RCW 9.46.070(1) which conducts or allows its premises to be used for conducting bingo on more than three occasions per week shall include the following statement in any advertising or promotion of gambling activity conducted by the licensee:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this section, "advertising" includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

On page 1, line 2 of the title, after "bingo;" strike the remainder of the title and insert "amending RCW 9.46.0205; and adding new sections to chapter 9.46 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 2918 and advanced the bill as amended by the Senate to final passage.

Representatives Wood and Clements spoke in favor of the passage of the bill.

Representative Bush spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2918 as amended by the Senate and the bill passed the House by the following vote: Yeas - 71, Nays - 25, Absent - 0, Excused - 2.

Voting yea: Representatives Alexander, Anderson, Armstrong, Ballasiotes, Berkey, Buck, Cairnes, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, DeBolt, Delvin, Dickerson, Doumit, Edwards, Eickmeyer, Ericksen, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Linville, Lysen, Mastin,

McDermott, McMorris, Miloscia, Mitchell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Schindler, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Ballard, Barlean, Benson, Boldt, Bush, Campbell, Casada, Cox, Darneille, Dunn, Dunshee, Esser, Fisher, Hurst, Lantz, Lovick, McIntire, Mielke, Morell, Orcutt, Roach, Santos, Sump, and Van Luven - 25.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed House Bill No. 2918 as amended by the Senate having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on final passage by which Engrossed Substitute House Bill No. 2866 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2866 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2866 on reconsideration, and the bill passed the House by the following vote: Yeas - 61, Nays - 35, Absent - 0, Excused - 2, Not Voting - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kessler, Linville, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Skinner, Sommers, Sump, Talcott, Woods and Mr. Speaker - 61.

Voting nay: Representatives Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Fisher, Hunt, Hurst, Jarrett, Kagi, Kenney, Kirby, Lantz, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Murray, O'Brien, Ogden, Romero, Schual-Berke, Simpson, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria and Wood - 35.

Excused: Representatives Lisk and Schmidt - 2.

Engrossed Substitute House Bill No. 2866, on reconsideration, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2403, with the following amendments:

On page 2, line 16, after "missions." strike all material through "education" on line 22 and insert the following:

"However, collective bargaining can fill the same role. Therefore, faculty at public four-year institutions must choose between collective bargaining and all other faculty governance systems or practices with respect to policies on academic and professional matters affecting the public four-year institutions of higher educations."

On page 4, line 37, after "employee" strike "or faculty governance system"

On page 5, line 9, after "chapter." insert "However, faculty members may not engage in collective bargaining until any existing faculty senate or council and any other faculty governance system has been abolished. Any shared governance practices may not be exercised so long as the faculty engages in collective bargaining."

Renumber the sections consecutively and correct any internal references accordingly.

There being no objection, the House refused to concur in the Senate amendment to Second Substitute House Bill No. 2403 and asked the Senate to recede therefrom.

There being no objection, the House advanced to the eleventh order of business.

MOTION

On motion of Representative Kessler, the House adjourned until 9:00 a.m., March 12, 2002, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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HOUSE OF REPRESENTATIVES

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JOURNAL OF THE HOUSE

FIFTY SEVENTH DAY, MARCH 11, 2002

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from that in the original published version.**

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 12, 2002

The House was called to order at 9:00 a.m. by the Speaker (Representative Ogden presiding).
The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages the Junior Girl Scout Troop #572 Color Guard from Graham. Prayer was offered by Father Ted Yuen, Director of Worship, Tapestry Covenant Church, Tacoma.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4724, by Representatives Romero and Hunt

WHEREAS, March 12, 2002, will mark the 90th anniversary of the Girl Scouts of the United States of America, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and

WHEREAS, More than 50 million girls have enjoyed the benefits of Girl Scouting, which inspires the highest ideals of character, conduct, and patriotism and instills a sense of self-confidence and achievement; and

WHEREAS, Through Scouting, girls foster self-esteem, inner strength, compassion, and a sense of duty to herself and the world around her; and

WHEREAS, Girl Scouts helps to build the skills needed for success, as participants are encouraged to take active roles in math, science, and technology, thereby grooming young women to be leaders in business and in their communities, helping to fulfill our country's economic and social needs; and

WHEREAS, Through participation in Girls' Voices, a national community service project, every girl uses her own voice to address an issue of concern and sees the endless possibilities from community involvement and the willingness to make a difference; and

WHEREAS, Through self-determination, discipline, and hard work, girls involved in scouting gain benefits that follow them through to adulthood; and

WHEREAS, More than 36,000 Girl Scouts are in the State of Washington and served by Girl Scout councils, including Columbia River, Inland Empire, Mid-Columbia, Pacific Peaks, and Totem; and

WHEREAS, The people of Washington State value the contribution of the Girl Scouts of the United States of America and the positive impact on girls in the community;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the Girl Scouts for their many contributions to the citizens of Washington state.

Representative Romero moved the adoption of the resolution.

Representative Romero spoke in favor of the adoption of the resolution.

House Resolution No. 4724 was adopted.

HOUSE RESOLUTION NO. 2002-4731, by Representatives Mielke, Boldt, Schoesler, Morell, Grant, Linville and Hatfield

WHEREAS, The names of Kenworth, Freightliner, and Mack are well-known and highly-respected names in the trucking industry; and

WHEREAS, Products purchased in Washington were more than likely shipped by a commercial truck; and

WHEREAS, Truck drivers in Washington provide an essential role in the economic well-being of the state of Washington; and

WHEREAS, Driving a commercial truck is an extremely demanding job, requiring both physical strength and mental fortitude; and

WHEREAS, Commercial truck drivers must possess a strong work ethic and keen business sense; and

WHEREAS, On a daily basis, Washington trucks move an average of 525,293 tons of inbound freight and 566,966 tons of outbound freight; and

WHEREAS, Trucks transport freight for 9,310 Washington manufacturing companies; and

WHEREAS, Trucks supply the goods for 29,140 retail stores throughout Washington; and
WHEREAS, In addition to delivering produce and agriculture products to market, trucks supply goods to over 10,500 agriculture businesses in Washington; and
WHEREAS, More than 186,000 people in Washington, equaling one out of eleven workers in the state are employed by trucking-related occupations; and
WHEREAS, The total annual payroll for the trucking industry in Washington is over \$5.9 billion;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State House of Representatives acknowledge and honor the women and men whose work in the trucking industry throughout Washington has contributed so much to the strength and vitality of our state and its economy, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Trucking Associations.

Representative Mielke moved the adoption of the resolution.

Representatives Mielke, Mitchell, Cairnes, Fisher, Ericksen, Casada, Reardon, Boldt and Orcutt spoke in favor of the adoption of the resolution.

House Resolution No. 4731 was adopted.

HOUSE RESOLUTION NO. 2002-4734, by Representatives Veloria, Cody, Schual-Berke and Upthegrove

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Lincoln High School Abes Basketball Team showed the highest form of excellence in winning the school's second consecutive Class 4A State Championship after a 50-47 victory over Ferris of Spokane in the Tacoma Dome; and

WHEREAS, The Lincoln High School Abes Basketball Team have a season record of 27-2, ending this season with a 19 game winning streak, and a record of 56-3 over the past two seasons; and

WHEREAS, The starting players of the Lincoln High School Abes Basketball Team are Andre Anderson, Robert Crawford, Justin Holt, Ben Shelton, and Andre Thompson; and

WHEREAS, The Lincoln High School Abes Basketball Team is coached by Head Coach Tim Kelly, Assistant Coach Mark Williams, Assistant Coach Matt Kitna, and Assistant Coach Duane Lee; and

WHEREAS, The Lincoln High School Abes Basketball Team have a distinguished record as West Central District 3 Champions 2001 and 2002, Narrows League Champions 2001 and 2002, and State Champions 2001 and 2002; and

WHEREAS, The Lincoln High School Abes Basketball Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, The victorious Lincoln High School Abes Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the Lincoln High School Abes Basketball Team for their incredible achievements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Lincoln High School Abes Basketball Team; Mr. Tim Kelly, Coach; Ms. Char Davenport, Athletic Director; Mr. Grant Hosford, Principal; and Dr. James Shoemake, Superintendent.

House Resolution No. 4734 was adopted.

The Speaker assumed the chair.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1852, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

- (1) International trade is an integral part of the state's economy;
- (2) Washington's economy is vital to the Pacific Northwest region, which includes several states and Canadian provinces;
- (3) Increasing global competition may require economic policies that build on the strengths of the region and create ongoing opportunities for the sale of Washington's goods and services;
- (4) Greater efficiency through cooperation with other states and Canadian provinces within the region will benefit businesses in the region, as well as in Washington.

It is the intent of this act to increase the overseas promotion of Washington's goods and services by collocating, where feasible and advantageous, the state's trade offices or offices of the state's foreign representative contractors with comparable offices of other states and Canadian provinces.

NEW SECTION. Sec. 2. A new section is added to chapter 43.23 RCW to read as follows:

- (1) The director of the department may enter into contracts with port districts, commodity commissions, or other appropriate state or regional organizations for the purpose of:
 - (a) Establishing foreign trade offices designed to promote the export of Washington food and agricultural products; or
 - (b) Contracting with overseas representatives to promote the export of Washington's food and agricultural products.
- (2) The department shall report to the appropriate committees of the legislature on the results of the export promotion efforts under this section and recommendations for improvements.

Sec. 3. RCW 43.23.035 and 1995 c 399 s 70 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

- (1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;
- (2) To collect, prepare, and analyze foreign and domestic market data;
- (3) To establish a program to promote and assist in the marketing of Washington-bred horses: PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989;
- (4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;
- (5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;
- (6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;
- (7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;
- (8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;
- (9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;
- (10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

(11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

(12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; ~~((and))~~

(13) To locate trade offices or contract with foreign representatives to promote the export of Washington's food and agricultural products. Where feasible, advantageous, and consistent with the goals and objectives of the department, the director may colocate a trade office or cooperate in contracting overseas representatives with port districts, commodity commissions, or other appropriate state or regional organizations; and

(14) To develop a coordinated marketing program with the department of community, trade, and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, "agricultural commodities" includes products of both terrestrial and aquatic farming.

Sec. 4. RCW 43.31.145 and 1991 c 24 s 7 are each amended to read as follows:

(1) The department is charged with the primary role within state government for the establishment and operation of foreign offices ~~((created for the purpose of promoting))~~ or contract with foreign representatives to promote overseas trade and commerce.

(2) The department, where feasible, advantageous, and consistent with the goals and objectives of the department, may colocate a trade office or cooperate in contracting overseas representatives with states or Canadian provinces."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 43.23.035 and 43.31.145; adding a new section to chapter 43.23 RCW; and creating a new section."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 1852 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2867, with the following amendments(s)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the recent federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) imposes a duty to obtain a national pollutant discharge elimination system permit under the clean water act for the application of pesticides to irrigation canals. This duty is also extended to other individuals and organizations that apply pesticides to other waters, where no duty existed before the *Talent* decision.

The legislature finds that the costs associated with the issuance of the national pollutant discharge elimination system permit now required by the department of ecology as a result of the federal decision is burdensome to the affected individuals and organizations. The legislature intends to temporarily reduce the burden of the federal decision on those individuals and organizations.

Sec. 2. RCW 90.48.465 and 1998 c 262 s 16 are each amended to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule ~~((within one year of March 1, 1989, and thereafter the fee schedule shall))~~ and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of

pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system. ~~((The department shall adopt by rule a schedule of credits for any municipality engaging in a comprehensive monitoring program beyond the requirements imposed by the department, with the credits available for five years from March 1, 1989, and with the total amount of all credits not to exceed fifty thousand dollars in the five year period.))~~

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to ~~((one thousand one hundred sixty seven dollars for fiscal year 1998 and))~~ one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to ~~((eight hundred seventeen dollars for fiscal year 1998 and))~~ eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. The department shall require such permits only if, and as long as, these permits are required under federal law.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under RCW 90.48.160, 90.48.162, and 90.48.260.

~~((7) Beginning with the biennium ending June 30, 1997,))~~ (8) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 3 of the title, after "decision;" strike the remainder of the title and insert "amending RCW 90.48.465; creating a new section; and declaring an emergency."

There being no objection, the House refused to concur in the Senate Amendment(s) to House Bill No. 2867 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 11, 2002

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SUBSTITUTE SENATE BILL NO. 5097 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position in its amendment(s) to Substitute Senate Bill No. 5097 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 11, 2002

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 5478 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position in its amendment(s) to Senate Bill No. 5478 and asked the Senate to concur therein.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1759, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.50.412 and 1981 c 48 s 2 are each amended to read as follows:

(1) It is unlawful for any person to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor.

(3) Any person eighteen years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under eighteen years of age who is at least three years his junior is guilty of a gross misdemeanor.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(5) It is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases.

Sec. 2. RCW 69.50.4121 and 1998 c 317 s 1 are each amended to read as follows:

(1) Every person who sells or gives, or permits to be sold or given to any person any drug paraphernalia in any form commits a class I civil infraction under chapter 7.80 RCW. For purposes of this subsection, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes, but is not limited to objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

- (b) Water pipes;
- (c) Carburetion tubes and devices;
- (d) Smoking and carburetion masks;
- (e) Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- (f) Miniature cocaine spoons and cocaine vials;
- (g) Chamber pipes;
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs; and
- (m) Ice pipes or chillers.

(2) It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

(3) Nothing in subsection (1) of this section prohibits legal distribution of injection syringe equipment through public health and community based HIV prevention programs, and pharmacies.

NEW SECTION. **Sec. 3.** A new section is added to chapter 70.115 RCW to read as follows:
Nothing contained in this act shall be construed to require a retailer to sell hypodermic needles or syringes to any person.

Sec. 4. RCW 70.115.050 and 1981 c 147 s 5 are each amended to read as follows:

(1) On the sale at retail of any hypodermic syringe, hypodermic needle, or any device adapted for the use of drugs by injection, the retailer shall satisfy himself or herself that the device will be used for the legal use intended.

(2) The sale of sterile hypodermic syringes and needles for the purpose of reducing the transmission of bloodborne diseases is a legal use under the provisions of this section.

(3) Sales must be limited to individuals over eighteen years of age and sales must be limited to the number of used hypodermic syringes and needles returned by the individual at the time of sale. Participating retailers shall provide materials relating to drug prevention and treatment and safe disposal techniques at the point of sale. The Washington board of pharmacy shall adopt rules implementing the provisions of this subsection. Nothing in this section shall be construed to limit the ability of persons to purchase or possess hypodermic needles or syringes for other legal purposes, including administering medications, such as insulin.

(4) Biomedical waste shall be handled in a manner that protects the health, safety, and welfare of the public, the environment, and the workers who handle the waste. Safe disposal of syringes and needles purchased under this act shall be consistent with the provisions of RCW 70.95K.030."

On page 1, line 1 of the title, after "syringes;" strike the remainder of the title and insert "amending RCW 69.50.412, 69.50.4121, and 70.115.050; and adding a new section to chapter 70.115 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 1759 and advanced the bill as amended by the Senate to final passage.

Representative Darneille spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1759 and the bill as amended by the Senate the House by the following vote: Yeas - 66, Nays - 31, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Armstrong, Ballasiotes, Berkey, Buck, Campbell, Casada, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 66.

Voting nay: Representatives Ahern, Anderson, Ballard, Barlean, Benson, Boldt, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Esser, Holmquist, Lisk, McMorris, Mielke, Mulliken, Orcutt, Pearson, Pflug, Roach, Schindler, Sehlin, Sump, Talcott and Van Luven - 31.

Excused: Representative Delvin - 1.

Substitute House Bill No. 1759, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that commercial fishing is vitally important not just to the economy of Washington, but also to the cultural heritage of the maritime communities in the state. Fisher men and women have a long and proud history in the Pacific Northwest. State and local governments should seek out ways to enable and encourage these professionals to share the rewards of their craft with the nonfishing citizens of and visitors to the state of Washington by encouraging the exploration and development of new niche markets.

NEW SECTION. Sec. 2. A new section is added to chapter 77.65 RCW to read as follows:

(1) The department must establish and administer a direct retail endorsement to serve as a single license that permits the holder of a Washington salmon or crab commercial fishing license to clean, dress, and sell his or her catch directly to consumers at retail, including over the internet. The direct retail endorsement must be issued as an optional addition to all holders of a salmon or crab commercial fishing license that the department offers under this chapter.

(2) The direct retail endorsement must be offered at the time of application for the qualifying commercial fishing license. Individuals in possession of a qualifying commercial fishing license issued under this chapter may add a direct retail endorsement to their current license at the time they renew their commercial fishing license. Individuals who do not have a commercial fishing license for salmon or crab issued under this chapter may not receive a direct retail endorsement. The costs, conditions, responsibilities, and privileges associated with the endorsed commercial fishing license is not affected or altered in any way by the addition of a direct retail endorsement. These costs include the base cost of the license and any revenue and excise taxes.

(3) An individual need only add one direct retail endorsement to his or her license portfolio. If a direct retail endorsement is selected by an individual holding more than one commercial fishing license issued under this chapter, a single direct retail endorsement is considered to be added to all qualifying commercial fishing licenses held by that individual, and is the only license required for the individual to sell at retail the harvest of salmon or crab permitted by all of the underlying endorsed licenses. The direct retail endorsement applies only to the person named on the endorsed license, and may not be used by an alternate operator named on the endorsed license.

(4) In addition to any fees charged for the endorsed licenses and harvest documentation as required by this chapter or the rules of the department, the department may set a reasonable annual fee not to exceed the administrative costs to the department for a direct retail endorsement.

(5) The holder of a direct retail endorsement is responsible for documenting the commercial harvest of salmon and crab according to the provisions of this chapter, the rules of the department for a wholesale fish dealer, and the reporting requirements of the endorsed license. Any salmon or crab caught by the holder of a direct retail endorsement must be landed in the round and documented on fish tickets, as provided for by the department, before further processing.

(6) The direct retail endorsement must be displayed in a readily visible manner by the seller wherever and whenever a sale to someone other than a licensed wholesale dealer occurs. For sales occurring in a venue other than in person, such as over the internet, through a catalog, or on the phone, the direct retail endorsement number of the seller must be provided to the buyer both at the time of sale and the time of delivery. All internet sales must be conducted in accordance with federal laws and regulations.

(7) The direct retail endorsement is to be held by a natural person and is not transferrable or assignable. If the endorsed license is transferred, the direct retail endorsement immediately becomes void, and the transferor is not eligible for a full or prorated reimbursement of the annual fee paid for the direct retail endorsement. Upon becoming void, the holder of a direct retail endorsement must surrender the physical endorsement to the department.

(8) The holder of a direct retail endorsement must abide by the provisions of Title 69 RCW as they apply to the processing and retail sale of seafood. The department must distribute a pamphlet, provided by the department of agriculture, with the direct retail endorsement generally describing the labeling requirements set forth in chapter 69.04 RCW as they apply to seafood.

(9) The holder of a qualifying commercial fishing license issued under this chapter must either possess a direct retail endorsement or a wholesale dealer license provided for in RCW 77.65.280 in order to lawfully sell their catch or harvest in the state to anyone other than a licensed wholesale dealer.

(10) The direct retail endorsement entitles the holder to sell wild-caught salmon or crab only at a temporary food service establishment as that term is defined in RCW 69.06.045.

NEW SECTION. Sec. 3. A new section is added to chapter 77.65 RCW to read as follows:

(1) Prior to being issued a direct retail endorsement, an individual must:

(a) Obtain and submit to the department a signed letter on appropriate letterhead from the health department of the county in which the individual makes his or her official residence or where the hailing port for any documented vessel owned by the individual is located as to the fulfillment of all requirements related to county health rules, including the payment of all required fees. The local health department generating the letter may charge a reasonable fee for any necessary inspections. The letter must certify that the methods used by the individual to transport, store, and display fresh salmon and crabs meets that county's standards and the statewide standards adopted by the board of health for food service operations; and

(b) Submit proof to the department that the individual making the direct retail sales is in possession of a valid food and beverage service worker's permit, as provided for in chapter 69.06 RCW.

(2) The requirements of subsection (1) of this section must be completed each license year before a renewal direct retail endorsement can be issued.

(3) Any individual possessing a direct retail endorsement must notify the local health department of the county in which retail sales are to occur, except for the county that conducted the initial inspection, forty-eight hours before any transaction and make his or her facilities available for inspection by a fish and wildlife officer, the local health department of any county in which he or she sells salmon or crab, and any designee of the department of health or the department of agriculture.

(4) Neither the department or a local health department may be held liable in any judicial proceeding alleging that consumption of or exposure to seafood sold by the holder of a direct retail endorsement resulted in a negative health consequence, as long as the department can show that the individual holding the direct retail endorsement complied with the requirements of subsection (1) of this section prior to being issued his or her direct retail license, and neither the department nor a local health department acted in a reckless manner. For the purposes of this subsection, the department or a local health district shall not be deemed to be acting recklessly for not conducting a permissive inspection.

NEW SECTION. Sec. 4. A new section is added to chapter 77.65 RCW to read as follows:

(1) The direct retail endorsement is conditioned upon compliance:

(a) With the requirements of this chapter as they apply to wholesale fish dealers and to the rules of the department relating to the payment of fines for violations of rules for the accounting of the commercial harvest of salmon or crabs; and

(b) With the state board of health and local rules for food service establishments.

(2) Violations of the requirements and rules referenced in subsection (1) of this section may result in the suspension of the direct retail endorsement. The suspended individual must not be reimbursed for any portion of the suspended endorsement. Suspension of the direct retail endorsement may not occur unless and until:

(a) The director has notified by order the holder of the direct retail endorsement when a violation of subsection (1) of this section has occurred. The notification must specify the type of violation, the liability to be imposed for damages caused by the violation, a notice that the amount of liability is due and payable by the holder of the direct retail endorsement, and an explanation of the options available to satisfy the liability; and

(b) The holder of the direct retail endorsement has had at least ninety days after the notification provided in (a) of this subsection was received to either make full payment for all liabilities owed or enter into an agreement with the department to pay off all liabilities within a reasonable time.

(3)(a) If, within ninety days after receipt of the order provided in subsection (2)(a) of this section, the amount specified in the order is not paid or the holder of the direct retail endorsement has not entered into an agreement with the department to pay off all liabilities, the prosecuting attorney for any county in which the persons to whom the order is directed do business, or the attorney general upon request of the department, may bring an action on behalf of the state in the superior court for Thurston county, or any county in which the persons to whom the order is directed do business, to seek suspension of the individual's direct retail endorsement for up to five years.

(b) The department may temporarily suspend the privileges provided by the direct retail endorsement for up to one hundred twenty days following the receipt of the order provided in subsection (2)(a) of this section, unless the holder of the direct retail endorsement has deposited with the department an acceptable performance bond on forms prescribed and provided by the department. This performance bond must be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond must be filed and maintained in an amount equal to one thousand dollars.

(4) For violations of state board of health and local rules under subsection (1)(b) of this section only, any person inspecting the facilities of a direct retail endorsement holder under section 3 of this act may suspend the privileges granted by the endorsement for up to seven days. Within twenty-four hours of the discovery of the violation, the inspecting entity must notify the department of the violation. Upon notification, the department may proceed with the procedures outlined in this section for suspension of the endorsement. If the violation of a state board of health rule is discovered by a local health department, that local jurisdiction may fine the holder of the direct retail endorsement according to the local jurisdiction's rules as they apply to retail food operations.

(5) Subsections (2) and (3) of this section do not apply to a holder of a direct retail endorsement that executes a surety bond and abides by the conditions established in RCW 77.65.320 and 77.65.330 as they apply to wholesale dealers.

Sec. 5. RCW 77.65.280 and 2000 c 107 s 48 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state, unless the fisher has a direct retail endorsement.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 77.65.340.

The annual license fee for a wholesale dealer is two hundred fifty dollars. A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 6. RCW 77.15.565 and 2000 c 107 s 12 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer or the holder of a direct retail endorsement for violation of a provision in chapter 77.65 RCW or a rule of the department related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer or holder of a direct retail endorsement notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following July 28, 1985, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

Sec. 7. RCW 77.15.620 and 2000 c 107 s 253 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under section 2 of this act;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a (~~wholesale dealer's license required by RCW 77.65.280(3) or 77.65.480 for anadromous game fish~~) direct retail endorsement required by section 2 of this act; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 8. RCW 77.15.640 and 2000 c 107 s 255 are each amended to read as follows:

(1) A person who holds a wholesale fish dealer's license required by RCW 77.65.280, an anadromous game fish buyer's license required by RCW 77.65.480, (~~or~~) a fish buyer's license

required by RCW 77.65.340, or a direct retail endorsement under section 2 of this act is guilty of violating rules governing wholesale fish buying and dealing if the person:

- (a) Fails to possess or display his or her license when engaged in any act requiring the license;
 - (b) Fails to display or uses the license in violation of any rule of the department;
 - (c) Files a signed fish-receiving ticket but fails to provide all information required by rule of the department; or
 - (d) Violates any other rule of the department regarding wholesale fish buying and dealing.
- (2) Violating rules governing wholesale fish buying and dealing is a gross misdemeanor.

Sec. 9. RCW 36.71.090 and 1984 c 25 s 4 are each amended to read as follows:

(1) It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, eggs, or any farm produce or edibles raised, gathered, produced, or manufactured by such person and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as herein defined: **PROVIDED**, That nothing herein authorizes any person to sell, deliver, or peddle, without license, in any city or town, any dairy product, meat, poultry, eel, fish, mollusk, or shellfish where a license is required to engage legally in such activity in such city or town.

(2) It is lawful for an individual in possession of a valid direct retail endorsement, as established in section 2 of this act, to sell, deliver, or peddle wild-caught salmon or crab that is caught, harvested, or collected under rule of the department of fish and wildlife by such a person at a temporary food service establishment, as that term is defined in RCW 69.06.045, and no city, town, or county may pass or enforce an ordinance prohibiting the sale by or requiring additional licenses or permits from the holder of the valid direct retail endorsement. However, this subsection does not prohibit a city, town, or county from inspecting an individual displaying a direct retail endorsement to verify that the person is in compliance with state board of health and local rules for food service operations.

Sec. 10. RCW 69.07.100 and 1995 c 374 s 22 are each amended to read as follows:

The provisions of this chapter shall not apply to establishments issued a permit or licensed under the provisions of:

- (1) Chapter 69.25 RCW, the Washington wholesome eggs and egg products act;
- (2) Chapter 69.28 RCW, the Washington state honey act;
- (3) Chapter 16.49 RCW, the Meat inspection act;
- (4) Chapter 77.65 RCW, relating to the direct retail endorsement for wild-caught seafood;
- (5) Title 66 RCW, relating to alcoholic beverage control; and
- ~~((5))~~ (6) Chapter 69.30 RCW, the Sanitary control of shellfish act(~~(: - PROVIDED, That)~~).

However, if any such establishments process foods not specifically provided for in the above entitled acts, such establishments shall be subject to the provisions of this chapter.

The provisions of this chapter shall not apply to restaurants or food service establishments.

NEW SECTION. Sec. 11. A new section is added to chapter 69.04 RCW to read as follows:

The department of agriculture must develop a pamphlet that generally describes the labeling requirements for seafood, as set forth in this chapter, and provide an adequate quantity of the pamphlets to the department of fish and wildlife to distribute with the issuance of a direct retail endorsement under section 2 of this act.

NEW SECTION. Sec. 12. This act takes effect July 1, 2002."

On page 1, line 1 of the title, after "fishers;" strike the remainder of the title and insert "amending RCW 77.65.280, 77.15.565, 77.15.620, 77.15.640, 36.71.090, and 69.07.100; adding new sections to chapter 77.65 RCW; adding a new section to chapter 69.04 RCW; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2323 and advanced the bill as amended by the Senate to final passage.

Representatives Rockefeller and Sump spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2323 and the bill as amended by the Senate the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed Substitute House Bill No. 2323, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2332, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that national task forces studying election issues have identified statewide voter registration systems as important tools for protecting the integrity of elections, and it is likely that federal funds will be made available for states that employ statewide voter registration systems. Therefore, the legislature finds a need for the state of Washington to begin the process of creating such a system.

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

(1) The office of the secretary of state shall work in conjunction with the county auditors of the state of Washington to initiate the creation of a statewide voter registration data base. The secretary of state shall identify a group of voter registration experts whose responsibility will be to work on a design for the voter registration data base system. The secretary of state shall report back the findings of this group to the legislature no later than February 1, 2003.

(2) Among the intended goals the voter registration data base must be designed to accomplish at a minimum, are the following:

- (a) Identify duplicate voter registrations;
- (b) Identify suspected duplicate voters;
- (c) Screen against the department of corrections data base to aid in the cancellation of voter registration of felons;
- (d) Provide up-to-date signatures of voters for the purposes of initiative signature checking;
- (e) Provide for a comparison between the voter registration data base and the department of licensing change of address data base;
- (f) Provide online access for county auditors with the goal of real time duplicate checking and update capabilities, if sufficient funds are available;

- (g) Provide for the cancellation of voter registration for persons who have moved to other states and surrendered their Washington state drivers' licenses;
- (h) Ensure that each county shall maintain legal control of the registration records for that county.

Sec. 3. RCW 29.07.025 and 1994 c 57 s 10 are each amended to read as follows:

(1) Each state agency designated under RCW 29.07.420 shall provide voter registration services for employees and the public within each office of that agency.

(2) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.

(3) The secretary of state shall design and provide standard voter registration forms for use by these state agencies.

(4) Each institution of higher education shall put in place an active prompt on its course registration web site, or similar web site that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration web site. The prompt must ask the student if he or she wishes to register to vote.

NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect May 1, 2002.

NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act expire January 1, 2005."

In line 1 of the title, after "base;" strike the remainder of the title and insert "amending RCW 29.07.025; adding a new section to chapter 29.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2332 and advanced the bill as amended by the Senate to final passage.

Representatives Romero and McMorris spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2332 and the bill as amended by the Senate passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

House Bill No. 2332, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there has been an increase in the number of derelict and abandoned vessels that are either grounded or anchored upon publicly or privately owned submerged lands. These vessels are public nuisances and safety hazards as they often pose hazards to navigation, detract from the aesthetics of Washington's waterways, and threaten the environment with the potential release of hazardous materials. The legislature further finds that the costs associated with the disposal of derelict and abandoned vessels are substantial, and that in many cases there is no way to track down the current vessel owners in order to seek compensation. As a result, the costs associated with the removal of derelict vessels becomes a burden on public entities and the taxpaying public.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abandoned vessel" means the vessel's owner is not known or cannot be located, or if the vessel's owner is known and located but is unwilling to take control of the vessel, and the vessel has been left, moored, or anchored in the same area without the express consent, or contrary to the rules, of the owner, manager, or lessee of the aquatic lands below or on which the vessel is located for either a period of more than thirty consecutive days or for more than a total of ninety days in any three hundred sixty-five day period. For the purposes of this subsection (1) only, "in the same area" means within a radius of five miles of any location where the vessel was previously moored or anchored on aquatic lands.

(2) "Aquatic lands" means all tidelands, shorelands, harbor areas, and the beds of navigable waters, including lands owned by the state and lands owned by other public or private entities.

(3) "Authorized public entity" includes any of the following: The department of natural resources; the department of fish and wildlife; the parks and recreation commission; a metropolitan park district; a port district; and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where an abandoned or derelict vessel is located.

(4) "Department" means the department of natural resources.

(5) "Derelict vessel" means the vessel's owner is known and can be located, and exerts control of a vessel that:

(a) Has been moored, anchored, or otherwise left in the waters of the state or on public property contrary to RCW 79.01.760 or rules adopted by an authorized public entity;

(b) Has been left on private property without authorization of the owner; or

(c) Has been left for a period of seven consecutive days, and:

(i) Is sunk or in danger of sinking;

(ii) Is obstructing a waterway; or

(iii) Is endangering life or property.

(6) "Owner" means any natural person, firm, partnership, corporation, association, government entity, or organization that has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

(7) "Vessel" has the same meaning as defined in RCW 53.08.310.

NEW SECTION. Sec. 3. This chapter is not intended to limit or constrain the ability and authority of the authorized public entities to enact and enforce ordinances or other regulations relating to derelict and abandoned vessels, or to take any actions authorized by federal or state law in responding to derelict or abandoned vessels. This chapter is also not intended to be the sole remedy available to authorized public entities against the owners of derelict and abandoned vessels.

NEW SECTION. Sec. 4. (1) An authorized public entity has the authority, subject to the processes and limitations of this chapter, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above aquatic lands within the jurisdiction of the

authorized public entity. A vessel disposal must be done in an environmentally sound manner and in accordance with all federal, state, and local laws, including the state solid waste disposal provisions provided for in chapter 70.95 RCW. Scuttling or sinking of a vessel is only permissible after obtaining the express permission of the owner or owners of the aquatic lands below where the scuttling or sinking would occur, and obtaining all necessary state and federal permits or licenses.

(2) The primary responsibility to remove a derelict or abandoned vessel belongs to the owner, operator, or lessee of the moorage facility or the aquatic lands where the vessel is located. If the authorized public entity with the primary responsibility is unwilling or unable to exercise the authority granted by this section, it may request the department to assume the authorized public entity's authority for a particular vessel. The department may at its discretion assume the authorized public entity's authority for a particular vessel after being requested to do so. For vessels not at a moorage facility, an authorized public entity with jurisdiction over the aquatic lands where the vessel is located may, at its discretion, request to assume primary responsibility for that particular vessel from the owner of the aquatic lands where the vessel is located.

(3) The authority granted by this chapter is permissive, and no authorized public entity has a duty to exercise the authority. No liability attaches to an authorized public entity that chooses not to exercise this authority.

NEW SECTION. Sec. 5. (1) Prior to exercising the authority granted in section 4 of this act, the authorized public entity must first obtain custody of the vessel. To do so, the authorized public entity must:

(a) Mail notice of its intent to obtain custody, at least twenty days prior to taking custody, to the last known address of the previous owner to register the vessel in any state or with the federal government and to any lien holders or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or federal agency;

(b) Post notice of its intent clearly on the vessel for thirty days and publish its intent at least once, more than ten days but less than twenty days prior to taking custody, in a newspaper of general circulation for the county in which the vessel is located; and

(c) Post notice of its intent on the department's internet web site on a page specifically designated for such notices. If the authorized public entity is not the department, the department must facilitate the internet posting.

(2) All notices sent, posted, or published in accordance with this section must, at a minimum, explain the intent of the authorized public entity to take custody of the vessel, the rights of the authorized public entity after taking custody of the vessel as provided in section 4 of this act, the procedures the owner must follow in order to avoid custody being taken by the authorized public entity, the procedures the owner must follow in order to reclaim possession after custody is taken by the authorized public entity, and the financial liabilities that the owner may incur as provided for in section 7 of this act.

(3) If a vessel is in immediate danger of sinking, breaking up, or blocking navigational channels, and the owner of the vessel cannot be located or is unwilling to assume responsibility for the vessel, an authorized public entity may tow, beach, or otherwise take temporary possession of the vessel. Before taking temporary possession of the vessel, the authorized public entity must make reasonable attempts to consult with the department and the United States coast guard to ensure that other remedies are not available. The basis for taking temporary possession of the vessel must be set out in writing by the authorized public entity within seven days of taking action and be submitted to the owner, if known, as soon thereafter as is reasonable. Immediately after taking possession of the vessel, the authorized public entity must initiate the notice provisions in subsection (1) of this section. The authorized public entity must complete the notice requirements of subsection (1) of this section before using or disposing of the vessel as authorized in section 6 of this act.

NEW SECTION. Sec. 6. (1) After taking custody of a vessel, the authorized public entity may use or dispose of the vessel in any appropriate and environmentally sound manner without further notice to any owners, but must give preference to uses that derive some monetary benefit from the vessel, either in whole or in scrap. If no value can be derived from the vessel, the authorized public entity must give preference to the least costly, environmentally sound, reasonable disposal option. Any

disposal operations must be consistent with the state solid waste disposal provisions provided for in chapter 70.95 RCW.

(2) If the authorized public entity chooses to offer the vessel at a public auction, either a minimum bid may be set or a letter of credit may be required, or both, to discourage future reabandonment of the vessel.

(3) Proceeds derived from the sale of the vessel must first be applied to any administrative costs that are incurred by the authorized public entity during the notification procedures set forth in section 5 of this act, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. If the proceeds derived from the vessel exceed all administrative costs, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel, the remaining moneys must be applied to satisfying any liens registered against the vessel.

(4) Any value derived from a vessel greater than all liens and costs incurred reverts to the derelict vessel removal account established in section 11 of this act.

NEW SECTION. Sec. 7. (1) The owner of an abandoned or derelict vessel is responsible for reimbursing an authorized public entity for all reasonable and auditable costs associated with the removal or disposal of the owner's vessel under this chapter. These costs include, but are not limited to, costs incurred exercising the authority granted in section 4 of this act, all administrative costs incurred by the authorized public entity during the procedure set forth in section 5 of this act, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel.

(2) Reimbursement for costs may be sought from an owner who is identified subsequent to the vessel's removal and disposal.

(3) If the full amount of all costs due to the authorized public entity under this chapter is not paid to the authorized public entity within thirty days after first notifying the responsible parties of the amounts owed, the authorized public entity or the department may bring an action in any court of competent jurisdiction to recover the costs, plus reasonable attorneys' fees and costs incurred by the authorized public entity.

NEW SECTION. Sec. 8. An authorized public entity may enter into a contract with a private company or individual to carry out the authority granted in this chapter.

NEW SECTION. Sec. 9. The rights granted by this chapter are in addition to any other legal rights an authorized public entity may have to obtain title to, remove, recover, sell, or dispose of an abandoned or derelict vessel, and in no way does this chapter alter those rights, or affect the priority of other liens on a vessel.

NEW SECTION. Sec. 10. A person seeking to redeem a vessel that is in the custody of an authorized public entity may commence a lawsuit to contest the authorized public entity's decision to take custody of the vessel or to contest the amount of reimbursement owed. The lawsuit must be commenced in the superior court of the county in which the vessel existed when custody was taken by the authorized public entity. The lawsuit must be commenced within twenty days of the date the authorized public entity took custody of the vessel under section 5 of this act, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

NEW SECTION. Sec. 11. (1) The derelict vessel removal account is created in the state treasury. All receipts from sections 6 and 7 of this act and those moneys specified in RCW 88.02.030 and 88.02.050 must be deposited into the account. Moneys in the account may only be spent after appropriation. Expenditures from the account shall be used by the department to reimburse authorized public entities for seventy-five percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. During the 2001-2003 biennium, up to forty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter. In each subsequent biennium, up to twenty percent of the expenditures from the account may be used for

administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its twenty-five percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 12. RCW 88.02.030 and 1998 c 198 s 1 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;
(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels either (a) registered or numbered under the laws of a country other than the United States; or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94. On or before the sixty-first day of use in the state, any vessel in the state under this subsection shall obtain an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. At the time of any issuance of an identification document, a ~~((twenty-five))~~ thirty dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Five dollars from each such transaction must be deposited in the derelict vessel removal account created in section 11 of this act. Any moneys remaining from the fee after the payment of costs and the deposit to the derelict vessel removal account shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the ~~((twenty-five))~~ thirty dollar fee;

(4) Vessels that have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state;

(5) Vessels owned by a nonresident if the vessel is located upon the waters of this state exclusively for repairs, alteration, or reconstruction, or any testing related to the repair, alteration, or reconstruction conducted in this state if an employee of the repair, alteration, or construction facility is on board the vessel during any testing(~~(= PROVIDED, That)~~). However, any vessel owned by a nonresident is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the

department of revenue verifying the vessel is located upon the waters of this state for repair, alteration, reconstruction, or testing and shall continue to file such affidavit every sixty days thereafter, while the vessel is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing;

(6) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(7) Vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States. Commercial vessels which the department of revenue determines have the external appearance of vessels which would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status;

(10) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States; and

(11) On and after January 1, 1998, vessels owned by a nonresident individual brought into the state for his or her use or enjoyment while temporarily within the state for not more than six months in any continuous twelve-month period, unless the vessel is used in conducting a nontransitory business activity within the state. However, the vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation. On or before the sixty-first day of use in the state, any vessel temporarily in the state under this subsection shall obtain an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. An identification document shall be valid for a period of two months. At the time of any issuance of an identification document, a twenty-five dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Any moneys remaining from the fee after payment of costs shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the twenty-five dollar fee.

Sec. 13. RCW 88.02.050 and 1993 c 244 s 38 are each amended to read as follows:

Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in section 11 of this act. If the department of natural resources indicates that the balance of the derelict vessel removal account reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two-dollar derelict vessel fee.

Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals therefor, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee ~~((and))~~, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

Sec. 14. RCW 88.02.040 and 1989 c 393 s 12 are each amended to read as follows:

The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals. General fees for vessel registrations collected by the director shall be deposited in the general fund: PROVIDED, That any amount above one million one hundred thousand dollars per fiscal year shall be allocated to counties by the state treasurer for boating safety/education and law enforcement programs and the fee collected specifically for the removal and disposal of derelict vessels must be deposited in the derelict vessel removal account created in section 11 of this act. Eligibility for ~~((such))~~ boating safety/education and law enforcement program allocations shall be contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation shall be based on the numbers of registered vessels by county of moorage. Each benefitting county shall be responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within said county. Any fees not allocated to counties due to the absence of an approved boating safety program, shall be allocated to the commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21 RCW to read as follows:

Any city or town has the authority, subject to the processes and limitation outlined in chapter 79.-- RCW (sections 1 through 11 of this act), to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the city or town.

NEW SECTION. **Sec. 16.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city has the authority, subject to the processes and limitation outlined in chapter 79.-- RCW (sections 1 through 11 of this act), to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the code city.

NEW SECTION. **Sec. 17.** A new section is added to chapter 36.32 RCW to read as follows:

A county has the authority, subject to the processes and limitation outlined in chapter 79.-- RCW (sections 1 through 11 of this act), to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the county.

NEW SECTION. **Sec. 18.** A new section is added to chapter 53.08 RCW to read as follows:

A port district has the authority, subject to the processes and limitation outlined in chapter 79.-- RCW (sections 1 through 11 of this act), to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the port district.

NEW SECTION. Sec. 19. A new section is added to chapter 77.12 RCW to read as follows:
The director has the authority, subject to the processes and limitation outlined in chapter 79.-- RCW (sections 1 through 11 of this act), to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the department.

Sec. 20. RCW 79A.65.010 and 2000 c 11 s 115 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Charges" means charges of the commission for moorage and storage, and all other charges related to the vessel and owing to or that become owing to the commission, including but not limited to costs of securing, disposing, or removing vessels, damages to any commission facility, and any costs of sale and related legal expenses for implementing RCW 79A.65.020 and 79A.65.030.

(2) "Commission" means the Washington state parks and recreation commission.

(3) "Commission facility" means any (~~property or~~) moorage facility, as that term is defined in RCW 53.08.310, owned, leased, operated, managed, or otherwise controlled by the commission or by a person pursuant to a contract with the commission.

(4) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and shall not include the holder of a bona fide security interest.

(5) "Person" means any natural person, firm, partnership, corporation, association, organization, or any other entity.

(6)(a) "Registered owner" means any person that is either: (i) Shown as the owner in a vessel certificate of documentation issued by the secretary of the United States department of transportation under 46 U.S.C. Sec. 12103; or (ii) the registered owner or legal owner of a vessel for which a certificate of title has been issued under chapter 88.02 RCW; or (iii) the owner of a vessel registered under the vessel registration laws of another state under which laws the commission can readily identify the ownership of vessels registered with that state.

(b) "Registered owner" also includes: (i) Any holder of a security interest or lien recorded with the United States department of transportation with respect to a vessel on which a certificate of documentation has been issued; (ii) any holder of a security interest identified in a certificate of title for a vessel registered under chapter 88.02 RCW; or (iii) any holder of a security interest in a vessel where the holder is identified in vessel registration information of a state with vessel registration laws that fall within (a)(iii) of this subsection and under which laws the commission can readily determine the identity of the holder.

(c) "Registered owner" does not include any vessel owner or holder of a lien or security interest in a vessel if the vessel does not have visible information affixed to it (such as name and hailing port or registration numbers) that will enable the commission to obtain ownership information for the vessel without incurring unreasonable expense.

(7) "Registered vessel" means a vessel having a registered owner.

(8) "Secured vessel" means any vessel that has been secured by the commission that remains in the commission's possession and control.

(9) "Unauthorized vessel" means a vessel using a commission facility of any type whose owner has not paid the required moorage fees or has left the vessel beyond the posted time limits, or a vessel otherwise present without permission of the commission.

(10) "Vessel" means every watercraft or part thereof constructed, used, or capable of being used as a means of transportation on the water. It includes any equipment or personal property on the vessel that is used or capable of being used for the operation, navigation, or maintenance of the vessel.

Sec. 21. RCW 79A.65.020 and 1994 c 51 s 2 are each amended to read as follows:

(1) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, and locks, or removal from the water, to secure unauthorized vessels located at

or on a commission facility so that the unauthorized vessels are in the possession and control of the commission. At least ten days before securing any unauthorized registered vessel, the commission shall send notification by registered mail to the last registered owner or registered owners of the vessel at their last known address or addresses.

(2) The commission may take reasonable measures, including but not limited to the use of anchors, chains, ropes, locks, or removal from the water, to secure any vessel if the vessel, in the opinion of the commission, is a nuisance, is in danger of sinking or creating other damage to a commission facility, or is otherwise a threat to the health, safety, or welfare of the public or environment at a commission facility. The costs of any such procedure shall be paid by the vessel's owner.

(3) At the time of securing any vessel under subsection (1) or (2) of this section, the commission shall attach to the vessel a readily visible notice or, when practicable, shall post such notice in a conspicuous location at the commission facility in the event the vessel is removed from the premises. The notice shall be of a reasonable size and shall contain the following information:

(a) The date and time the notice was attached or posted;

(b) A statement that the vessel has been secured by the commission and that if the commission's charges, if any, are not paid and the vessel is not removed by (the thirty-fifth consecutive day following the date of attachment or posting of the notice), the vessel will be considered abandoned and will be sold at public auction to satisfy the charges;

(c) The address and telephone number where additional information may be obtained concerning the securing of the vessel and conditions for its release; and

(d) A description of the owner's or secured party's rights under this chapter.

(4) With respect to registered vessels: Within five days of the date that notice is attached or posted under subsection (3) of this section, the commission shall send such notice, by registered mail, to each registered owner.

(5) If a vessel is secured under subsection (1) or (2) of this section, the owner, or any person with a legal right to possess the vessel, may claim the vessel by:

(a) Making arrangements satisfactory to the commission for the immediate removal of the vessel from the commission's control or for authorized storage or moorage; and

(b) Making payment to the commission of all reasonable charges incurred by the commission in securing the vessel under subsections (1) and (2) of this section and of all moorage fees owed to the commission.

(6) A vessel is considered abandoned if, within the thirty-five day period following the date of attachment or posting of notice in subsection (3) of this section, the vessel has not been claimed under subsection (5) of this section.

(7) If the owner or owners of a vessel are unable to reimburse the commission for all reasonable charges under subsections (1) and (2) of this section within a reasonable time, the commission may seek reimbursement of seventy-five percent of all reasonable and auditable costs from the derelict vessel removal account established in section 11 of this act.

Sec. 22. RCW 79A.65.030 and 2000 c 11 s 116 are each amended to read as follows:

(1) The commission may provide for the public sale of vessels considered abandoned under RCW 79A.65.020. At such sales, the vessels shall be sold for cash to the highest and best bidder. The commission may establish either a minimum bid or require a letter of credit, or both, to discourage the future reabandonment of the vessel.

(2) Before a vessel is sold, the commission shall make a reasonable effort to provide notice of sale, at least twenty days before the day of the sale, to each registered owner of a registered vessel and each owner of an unregistered vessel. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of charges then owing with respect to the vessel, and a summary of the rights and procedures under this chapter. A notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the commission facility is located. This notice shall include: (a) If known, the name of the vessel and the last owner and the owner's address; and (b) a reasonable description of the vessel. The commission may bid all or part of its charges at the sale and may become a purchaser at the sale.

(3) Before a vessel is sold, any person seeking to redeem a secured vessel may commence a lawsuit in the superior court for the county in which the vessel was secured to contest the commission's

decision to secure the vessel or the amount of charges owing. This lawsuit shall be commenced within fifteen days of the date the notification was posted under RCW 79A.65.020(3), or the right to a hearing is deemed waived and the owner is liable for any charges owing the commission. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(4) The proceeds of a sale under this section shall be applied first to the payment of the amount of the reasonable charges incurred by the commission and moorage fees owed to the commission, then to the owner or to satisfy any liens of record or security interests of record on the vessel in the order of their priority. If an owner cannot in the exercise of due diligence be located by the commission within one year of the date of the sale, any excess funds from the sale, following the satisfaction of any bona fide security interest, shall revert to the ~~((department of revenue under chapter 63.29 RCW))~~ derelict vessel removal account established in section 11 of this act. If the sale is for a sum less than the applicable charges, the commission is entitled to assert a claim for the deficiency against the vessel owner. Nothing in this section prevents any lien holder or secured party from asserting a claim for any deficiency owed the lien holder or secured party.

(5) If no one purchases the vessel at a sale, the commission may proceed to properly dispose of the vessel in any way the commission considers appropriate, including, but not limited to, destruction of the vessel or by negotiated sale. The commission may assert a claim against the owner for any charges incurred thereby. If the vessel, or any part of the vessel, or any rights to the vessel, are sold under this subsection, any proceeds from the sale shall be distributed in the manner provided in subsection (4) of this section.

Sec. 23. RCW 53.08.320 and 1986 c 260 s 2 are each amended to read as follows:

A moorage facility operator may adopt all ~~((regulations))~~ rules necessary for rental and use of moorage facilities and for the expeditious collection of port charges. The ~~((regulations))~~ rules may also establish procedures for the enforcement of these ~~((regulations))~~ rules by port district, city, county, metropolitan park district or town personnel. The ~~((regulations))~~ rules shall include the following:

(1) Procedures authorizing moorage facility personnel to take reasonable measures, including the use of chains, ropes, and locks, or removal from the water, to secure vessels within the moorage facility so that the vessels are in the possession and control of the moorage facility operator and cannot be removed from the moorage facility. These procedures may be used if an owner mooring or storing a vessel at the moorage facility fails, after being notified that charges are owing and of the owner's right to commence legal proceedings to contest that such charges are owing, to pay the port charges owed or to commence legal proceedings. Notification shall be by registered mail to the owner at his or her last known address. In the case of a transient vessel, or where no address was furnished by the owner, the moorage facility operator need not give such notice prior to securing the vessel. At the time of securing the vessel, an authorized moorage facility employee shall attach to the vessel a readily visible notice. The notice shall be of a reasonable size and shall contain the following information:

- (a) The date and time the notice was attached;
- (b) A statement that if the account is not paid in full within ninety days from the time the notice is attached, the vessel may be sold at public auction to satisfy the port charges; and
- (c) The address and telephone number where additional information may be obtained concerning release of the vessel.

After a vessel is secured, the operator shall make a reasonable effort to notify the owner by registered mail in order to give the owner the information contained in the notice.

(2) Procedures authorizing moorage facility personnel at their discretion to move moored vessels ashore for storage within properties under the operator's control or for storage with private persons under their control as bailees of the moorage facility, if the vessel is, in the opinion of port personnel a nuisance, if the vessel is in danger of sinking or creating other damage, or is owing port charges. Costs of any such procedure shall be paid by the vessel's owner. If the owner is not known, or unable to reimburse the moorage facility operator for the costs of these procedures, the mooring facility operators may seek reimbursement of seventy-five percent of all reasonable and auditable costs from the derelict vessel removal account established in section 11 of this act.

(3) If a vessel is secured under subsection (1) of this section or moved ashore under subsection (2) of this section, the owner who is obligated to the moorage facility operator for port charges may regain possession of the vessel by:

- (a) Making arrangements satisfactory with the moorage facility operator for the immediate removal of the vessel from the moorage facility or for authorized moorage; and

(b) Making payment to the moorage facility operator of all port charges, or by posting with the moorage facility operator a sufficient cash bond or other acceptable security, to be held in trust by the moorage facility operator pending written agreement of the parties with respect to payment by the vessel owner of the amount owing, or pending resolution of the matter of the charges in a civil action in a court of competent jurisdiction. After entry of judgment, including any appeals, in a court of competent jurisdiction, or after the parties reach agreement with respect to payment, the trust shall terminate and the moorage facility operator shall receive so much of the bond or other security as is agreed, or as is necessary to satisfy any judgment, costs, and interest as may be awarded to the moorage facility operator. The balance shall be refunded immediately to the owner at his or her last known address.

(4) If a vessel has been secured by the moorage facility operator under subsection (1) of this section and is not released to the owner under the bonding provisions of this section within ninety days after notifying or attempting to notify the owner under subsection (1) of this section, the vessel shall be conclusively presumed to have been abandoned by the owner.

(5) If a vessel moored or stored at a moorage facility is abandoned, the moorage facility operator may, by resolution of its legislative authority, authorize the public sale of the vessel by authorized personnel to the highest and best bidder for cash as ~~((follows:))~~ prescribed by this subsection (5). Either a minimum bid may be established or a letter of credit may be required, or both, to discourage the future reabandonment of the vessel.

(a) Before the vessel is sold, the owner of the vessel shall be given at least twenty days' notice of the sale in the manner set forth in subsection (1) of this section if the name and address of the owner is known. The notice shall contain the time and place of the sale, a reasonable description of the vessel to be sold, and the amount of port charges owed with respect to the vessel. The notice of sale shall be published at least once, more than ten but not more than twenty days before the sale, in a newspaper of general circulation in the county in which the moorage facility is located. Such notice shall include the name of the vessel, if any, the last known owner and address, and a reasonable description of the vessel to be sold. The moorage facility operator may bid all or part of its port charges at the sale and may become a purchaser at the sale~~((:))~~.

(b) Before the vessel is sold, any person seeking to redeem an impounded vessel under this section may commence a lawsuit in the superior court for the county in which the vessel was impounded to contest the validity of the impoundment or the amount of the port charges owing. Such lawsuit must be commenced within ten days of the date the notification was provided pursuant to subsection (1) of this section, or the right to a hearing shall be deemed waived and the owner shall be liable for any port charges owing the moorage facility operator. In the event of litigation, the prevailing party shall be entitled to reasonable attorneys' fees and costs.

(c) The proceeds of a sale under this section shall first be applied to the payment of port charges. The balance, if any, shall be paid to the owner. If the owner cannot in the exercise of due diligence be located by the moorage facility operator within one year of the date of the sale, the excess funds from the sale shall revert to the ~~((department of revenue pursuant to chapter 63.29 RCW))~~ derelict vessel removal account established in section 11 of this act. If the sale is for a sum less than the applicable port charges, the moorage facility operator is entitled to assert a claim for a deficiency.

(d) In the event no one purchases the vessel at a sale, or a vessel is not removed from the premises or other arrangements are not made within ten days of sale, title to the vessel will revert to the moorage facility operator.

(6) The ~~((regulations))~~ rules authorized under this section shall be enforceable only if the moorage facility has had its tariff containing such ~~((regulations))~~ rules conspicuously posted at its moorage facility at all times.

NEW SECTION. Sec. 24. Sections 1 through 11 of this act constitute a new chapter in Title 79 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. This act takes effect January 1, 2003."

On page 1, beginning on line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 88.02.030, 88.02.050, 88.02.040, 79A.65.010, 79A.65.020, 79A.65.030, and 53.08.320; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 77.12 RCW; adding a new chapter to Title 79 RCW; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2376 and advanced the bill as amended by the Senate to final passage.

Representatives Rockefeller and Sump spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2376 and the bill as amended by the Senate passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed Substitute House Bill No. 2376, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2421, with the following amendment(s):

On page 8, line 29, after "at a" insert "city, county, or state adult or juvenile"

On page 8, line 31, after "of a" insert "city, county, or state adult or juvenile"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to House Bill No. 2421 and advanced the bill as amended by the Senate to final passage.

Representatives Morell and O'Brien spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2421 and the bill as amended by the Senate passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

House Bill No. 2421, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 8, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2456, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.86A.060 and 1993 c 512 s 30 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those ~~((that))~~:

(a) ~~((Are loans that have))~~ Having terms that do not exceed ten years;

(b) ~~That~~ are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW;

(c) ~~((Are made to minority or women's business enterprises that are considered a small business as defined in RCW 43.31.025;~~

~~(d) Are made))~~ Where the interest rate on the loan to the minority or women's business enterprise does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term; and

~~((e) Are made))~~ (d) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise.

NEW SECTION. **Sec. 2.** A new section is added to chapter 39.19 RCW to read as follows:

(1) The office shall, in consultation with the state treasurer and the department of community, trade, and economic development, compile information on minority and women's business enterprises that have received financial assistance through a qualified public depository under the provisions of RCW 43.86A.060. The information shall include, but is not limited to:

(a) Name of the qualified public depository;

(b) Geographic location of the minority or women's business enterprise;

(c) Name of the minority or women's business enterprise;

(d) Date of last certification by the office and certification number;

(e) Type of business;

(f) Amount and term of the loan to the minority or women's business enterprise; and

(g) Other information the office deems necessary for the implementation of this section.

(2) The office shall notify the state treasurer of minority or women's business enterprises that are no longer certified under the provisions of this chapter. The written notification shall contain information regarding the reason for the decertification and information on financing provided to the minority or women's business enterprise under RCW 43.86A.060.

Sec. 3. RCW 43.63A.690 and 1993 c 512 s 31 are each amended to read as follows:

(1) The department shall provide technical assistance and loan packaging services that enable minority and women-owned business enterprises to obtain financing under the linked deposit program created under RCW 43.86A.060.

(2) The department shall, in consultation with the state treasurer and office of minority and women's business enterprises, monitor the performance of loans made to minority and women-owned business enterprises under RCW 43.86A.060.

(3) The department, in consultation with the office of minority and women's business enterprises, shall develop indicators to measure the performance of the linked deposit program in the areas of job creation or retention and providing access to capital to minority or women's business enterprises.

Sec. 4. RCW 43.131.381 and 2001 c 316 s 1 are each amended to read as follows:

The linked deposit program shall be terminated on June 30, (~~2003~~) 2008, as provided in RCW 43.131.382.

Sec. 5. RCW 43.131.382 and 2001 c 316 s 2 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~2004~~) 2009:

(1) RCW 43.86A.060 and 1993 c 512 s 30;

(2) RCW 43.63A.690 and 1993 c 512 s 31; (~~and~~)

(3) RCW 43.86A.070 and 1993 c 512 s 34; and

(4) Section 2 of this act."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.86A.060, 43.63A.690, 43.131.381, and 43.131.382; and adding a new section to chapter 39.19 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2456 and advanced the bill as amended by the Senate to final passage.

Representative Kessler spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2456 and the bill as amended by the Senate passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz,

Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Substitute House Bill No. 2456, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2468, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 1989 c 350 s 1 (uncodified) is amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

~~The legislature further finds that ((the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29)))~~ DNA data bases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA data base and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and DNA samples necessary for the identification of missing persons and unidentified human remains.

The legislature further finds that the DNA identification system used by the Federal Bureau of Investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

Sec. 2. RCW 43.43.754 and 1999 c 329 s 2 are each amended to read as follows:

(1) Every adult or juvenile individual convicted of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense ((defined as a sex offense under RCW 9.94A.030(33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn)) must have a biological sample collected for purposes of DNA identification analysis((-)) in the following manner:

(a) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who ((are serving or who are to serve a term of confinement in a county jail or detention)) do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining ((blood)) the biological samples either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after ((July 25, 1999)) the effective date of this act, or within a reasonable time after ((July 25, 1999)) the effective date of this act, for those persons

incarcerated (~~(prior to July 25, 1999)~~) before the effective date of this act, who have not yet had a (~~(blood)~~) biological sample (~~(drawn)~~) collected, beginning with those persons who will be released the soonest.

(b) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility, the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after the effective date of this act.

(c) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a (~~(division of juvenile rehabilitation)~~) department of social and health services facility, the facility holding the person shall be responsible for obtaining (~~(blood)~~) the biological samples either as part of the intake process into such facility for those persons convicted on or after (~~(July 25, 1999)~~) the effective date of this act, or within a reasonable time after (~~(July 25, 1999)~~) the effective date of this act, for those persons incarcerated (~~(prior to July 25, 1999)~~) before the effective date of this act, who have not yet had a (~~(blood)~~) biological sample (~~(drawn)~~) collected, beginning with those persons who will be released the soonest.

(2) Any (~~(blood)~~) biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other (~~(blood grouping)~~) tests for identification analysis and prosecution of a (~~(sex offense or a violent offense)~~) criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the Federal Bureau of Investigation combined DNA index system.

(3) The director of the forensic laboratory services bureau of the Washington state patrol shall perform testing on all biological samples collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030.

(4) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990; and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent offense after July 1, 1994; and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after the effective date of this act; and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before the effective date of this act and are still incarcerated on or after the effective date of this act.

(5) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(6) The detention, arrest, or conviction of a person based upon a data base match or data base information is not invalidated if it is determined that the sample was obtained or placed in the data base by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

Sec. 3. RCW 43.43.759 and 1990 c 230 s 1 are each amended to read as follows:

The Washington state patrol shall consult with the forensic investigations council and adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation, to the identification of human remains or missing persons, or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758. The rules must also identify appropriate sources and collection methods for biological samples needed for purposes of DNA identification analysis.

NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43 RCW to read as follows:

Every sentence imposed under chapter 9.94A RCW, for a felony specified in RCW 43.43.754 that is committed on or after the effective date of this act, must include a fee of one hundred dollars for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit fees collected to the state treasurer for deposit in the state DNA data base account created under section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 43.43 RCW to read as follows:

The state DNA data base account is created in the custody of the state treasurer. All receipts under section 4 of this act must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA data base under RCW 43.43.754. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 6. RCW 9.94A.505 and 2001 2nd sp.s. c 12 s 312 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, ~~((and))~~ 9.94A.760, and section 4 of this act.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Section 1 of this act is added to chapter 43.43 RCW.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2002."

On page 1, line 1 of the title, after "base;" strike the remainder of the title and insert "amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s 1 (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Substitute House Bill No. 2468 and advanced the bill as amended by the Senate to final passage.

Representative Miloscia spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2468 and the bill as amended by the Senate passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Substitute House Bill No. 2468, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2522, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.19.1905 and 1995 c 269 s 1402 are each amended to read as follows:

The director of general administration shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

- (1) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;
- (2) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;
- (3) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;
- (4) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;
- (5) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;
- (6) Determination of what function data processing equipment, including remote terminals, shall perform in statewide purchasing and material control for improvement of service and promotion of economy;
- (7) Standardization of records and forms used statewide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions, including a standard notification form for state agencies to report cost-effective direct purchases, which shall at least identify the price of the goods as available through the division of purchasing, the price of the goods as available from the alternative source, the total savings, and the signature of the notifying agency's director or the director's designee;
- (8) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;
- (9) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;
- (10) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;
- (11) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;
- (12) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;
- (13) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;
- (14) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;
- (15) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;
- (16) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(17) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(18) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(19) Resolution of all other purchasing and material matters which require the establishment of overall statewide policy for effective and economical supply management;

(20) Development of guidelines and criteria for the purchase of vehicles, high gas mileage vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including investigations into all opportunities to aggregate the purchasing of clean technologies by state and local governments, and including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

Sec. 2. RCW 43.19.570 and 1989 c 113 s 1 are each amended to read as follows:

(1) The department shall direct and be responsible for the acquisition, operation, maintenance, storage, repair, and replacement of state motor vehicles under its control. The department shall utilize state facilities available for the maintenance, repair, and storage of such motor vehicles, and may provide directly or by contract for the maintenance, repair, and servicing of all motor vehicles, and other property related thereto and under its control.

(2) The department may arrange, by agreement with agencies, for the utilization by one of the storage, repair, or maintenance facilities of another, with such provision for charges and credits as may be agreed upon. The department may acquire and maintain storage, repair, and maintenance facilities for the motor vehicles under its control from such funds as may be appropriated by the legislature.

(3)(a) The legislature finds that a clean environment is important and that global warming effects may be offset by decreasing the emissions of harmful compounds from motor vehicles. The legislature further finds that the state is in a position to set an example of large scale use of alternative fuels in motor vehicles and other clean technologies.

(b) The department shall consider the use of state vehicles to conduct field tests on alternative fuels in areas where air pollution constraints may be eased by these optional fuels. These fuels should include but are not limited to gas-powered and electric-powered vehicles.

(c) For planned purchases of vehicles using alternative fuels, the department and other state agencies shall explore opportunities to purchase these vehicles together with the federal government, agencies of other states, other Washington state agencies, local governments, or private organizations for less cost. All state agencies must investigate and determine whether or not they can make clean technologies more cost-effective by combining their purchasing power before completing a planned vehicle purchase.

Sec. 3. RCW 43.19.637 and 1991 c 199 s 213 are each amended to read as follows:

(1) At least thirty percent of all new vehicles purchased through a state contract shall be clean-fuel vehicles.

(2) The percentage of clean-fuel vehicles purchased through a state contract shall increase at the rate of five percent each year.

(3) In meeting the procurement requirement established in this section, preference shall be given to vehicles designed to operate exclusively on clean fuels. In the event that vehicles designed to operate exclusively on clean fuels are not available or would not meet the operational requirements for which a vehicle is to be procured, conventionally powered vehicles may be converted to clean fuel or dual fuel use to meet the requirements of this section.

(4) Fuel purchased through a state contract shall be a clean fuel when the fuel is purchased for the operation of a clean-fuel vehicle.

(5)(a) Weight classes are established by the following motor vehicle types:

(i) Passenger cars;

(ii) Light duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of less than eight thousand five hundred pounds;

(iii) Heavy duty trucks, trucks with a gross vehicle weight rating by the vehicle manufacturer of eight thousand five hundred pounds or more.

(b) This subsection does not place an obligation upon the state or its political subdivisions to purchase vehicles in any number or weight class other than to meet the percent procurement requirement.

(6) The provisions for purchasing clean-fuel vehicles under subsections (1) and (2) of this section are intended as minimum levels. The department should seek to increase the purchasing levels of clean-fuel vehicles above the minimum. The department must also investigate all opportunities to aggregate their purchasing with local governments to determine whether or not they can lower their costs and make it cost-efficient to increase the percentage of clean-fuel or high gas mileage vehicles in both the state and local fleets.

(7) For the purposes of this section, "clean fuels" and "clean-fuel vehicles" shall be those fuels and vehicles meeting the specifications provided for in RCW 70.120.210.

NEW SECTION. Sec. 4. A new section is added to chapter 39.35B RCW to read as follows:

(1) The department of general administration, in cooperation with public agencies, shall investigate opportunities to aggregate the purchase of clean technologies with other public agencies to determine whether or not combined purchasing can reduce the unit cost of clean technologies.

(2) State agencies that are retail electric customers shall investigate opportunities to aggregate the purchase of electricity produced from generation resources that are fueled by wind or solar energy for their facilities located within a single utility's service area, to determine whether or not combined purchasing can reduce the unit cost of those resources.

(3) No public agency is required under this section to purchase clean technologies at prohibitive costs.

(4)(a) "Electric utility" shall have the same meaning as provided under RCW 19.29A.010.

(b) "Clean technology" includes, but may not be limited to, alternative fueled hybrid-electric and fuel cell vehicles, and distributive power generation.

(c) "Distributive power generation" means the generation of electricity from an integrated or stand-alone power plant that generates electricity from wind energy, solar energy, or fuel cells.

(d) "Retail electric customer" shall have the same meaning as provided under RCW 19.29A.010.

(e) "Facility" means any building owned or leased by a public agency.

NEW SECTION. Sec. 5. In preparing the biennial energy report required under RCW 43.21F.045(2)(h) to be transmitted to the governor and the legislature by December 1, 2002, the department of community, trade, and economic development must include the following information:

(1) The percentage of clean-fuel vehicles purchased in 2001 through a state contract pursuant to RCW 43.19.637; and

(2) The results of efforts by the department of general administration and other state agencies to aggregate purchasing of clean technologies.

Sec. 6. RCW 19.29A.090 and 2001 c 214 s 28 are each amended to read as follows:

(1) Beginning January 1, 2002, each electric utility must provide to its retail electricity customers a voluntary option to purchase qualified alternative energy resources in accordance with this section.

(2) Each electric utility must include with its retail electric customer's regular billing statements, at least quarterly, a voluntary option to purchase qualified alternative energy resources. The option may allow customers to purchase qualified alternative energy resources at fixed or variable rates and for fixed or variable periods of time, including but not limited to monthly, quarterly, or annual purchase agreements. A utility may provide qualified alternative energy resource options through either: (a) Resources it owns or contracts for; or (b) the purchase of credits issued by a clearinghouse or other system by which the utility may secure, for trade or other consideration, verifiable evidence that a second party has a qualified alternative energy resource and that the second party agrees to transfer such evidence exclusively to the benefit of the utility.

(3) For the purposes of this section, a "qualified alternative energy resource" means the electricity produced from generation facilities that are fueled by: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; (f) gas produced during the treatment of

wastewater; (g) qualified hydropower; or (h) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(4) For the purposes of this section, "qualified hydropower" means the energy produced either: (a) As a result of modernizations or upgrades made after June 1, 1998, to hydropower facilities operating on May 8, 2001, that have been demonstrated to reduce the mortality of anadromous fish; or (b) by run of the river or run of the canal hydropower facilities that are not responsible for obstructing the passage of anadromous fish.

(5) The rates, terms, conditions, and customer notification of each utility's option or options offered in accordance with this section must be approved by the governing body of the consumer-owned utility or by the commission for investor-owned utilities. All costs and benefits associated with any option offered by an electric utility under this section must be allocated to the customers who voluntarily choose that option and may not be shifted to any customers who have not chosen such option. Utilities may pursue known, lawful aggregated purchasing of qualified alternative energy resources with other utilities to the extent aggregated purchasing can reduce the unit cost of qualified alternative energy resources, and are encouraged to investigate opportunities to aggregate the purchase of alternative energy resources by their customers. Aggregated purchases by investor-owned utilities must comply with any applicable rules or policies adopted by the commission related to least-cost planning or the acquisition of renewable resources.

(6) Each consumer-owned utility must report annually to the department and each investor-owned utility must report annually to the commission beginning October 1, 2002, until October 1, 2012, describing the option or options it is offering its customers under the requirements of this section, the rate of customer participation, the amount of qualified alternative energy resources purchased by customers, ~~((and))~~ the amount of utility investments in qualified alternative energy resources, and the results of pursuing aggregated purchasing opportunities. The department and the commission together shall report annually to the legislature, beginning December 1, 2002, until December 1, 2012, with the results of the utility reports."

On page 1, line 1 of the title, after "technologies;" strike the remainder of the title and insert "amending RCW 43.19.1905, 43.19.570, 43.19.637, and 19.29A.090; adding a new section to chapter 39.35B RCW; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2522 and advanced the bill as amended by the Senate to final passage.

Representative Sullivan spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2522 and the bill as amended by the Senate the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed Substitute House Bill No. 2522, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2655, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 10.14.040 and 2001 c 260 s 3 are each amended to read as follows:

There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) Filing fees are set in RCW 36.18.020, but no filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought or as provided in section 2 of this act. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

(6) The parent or guardian of a child under age eighteen may petition for an order of protection to restrain a person age eighteen years or over from contact with that child upon a showing that contact with the person to be enjoined is detrimental to the welfare of the child.

(7) The parent or guardian of a child under the age of eighteen may petition in superior court for an order of protection to restrain a person under the age of eighteen years from contact with that child only in cases where the person to be restrained has been adjudicated of an offense against the child protected by the order, or is under investigation or has been investigated for such an offense. In issuing a protection order under this subsection, the court shall consider, among the other facts of the case, the severity of the alleged offense, any continuing physical danger or emotional distress to the alleged victim, and the expense, difficulty, and educational disruption that would be caused by a transfer of the alleged offender to another school. The court may order that the person restrained in the order not attend the public or approved private elementary, middle, or high school attended by the person under the age of eighteen years protected by the order. In the event that the court orders a transfer of the restrained person to another school, the parents or legal guardians of the person restrained in the order are responsible for transportation and other costs associated with the change of school by the person restrained in the order. The court shall send notice of the restriction on attending the same school as the person protected by the order to the public or approved private school the person restrained by the order will attend and to the school the person protected by the order attends.

NEW SECTION. **Sec. 2.** A new section is added to chapter 10.14 RCW to read as follows:

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter from a person who has stalked them as that term is defined in RCW 9A.46.110, or from a person who has engaged in conduct that would constitute a sex offense as defined in RCW 9A.44.130, or from a person who is a family or household member as defined in RCW 26.50.010(2) who has engaged in conduct that would constitute domestic violence as defined in RCW 26.50.010(1). If the petitioner is entitled to proceed under this section, the court may require, at the time of the full hearing, the respondent to pay the filing fee and costs, including services fees, to the county or municipality incurring the expense. The requirement that the respondent pay the filing fee and costs may not be imposed by the court at the time of issuance of the ex parte temporary protection order.

Sec. 3. RCW 10.14.100 and 2001 c 311 s 2 are each amended to read as follows:

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (5) and (7) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary. The court's order, entered after a hearing, need not be served on a respondent who fails to appear before the court, if material terms of the order have not changed from those contained in the temporary order, and it is shown to the court's satisfaction that the respondent has previously been personally served with the temporary order.

(6) Except in cases where the petitioner has fees waived under section 2 of this act or is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(7) If the court previously entered an order allowing service by publication of the notice of hearing and temporary order of protection pursuant to RCW 10.14.085, the court may permit service by publication of the order of protection issued under RCW 10.14.080. Service by publication must comply with the requirements of RCW 10.14.085.

Sec. 4. RCW 10.14.125 and 1992 c 143 s 18 are each amended to read as follows:

The court may permit service by publication under this chapter only if the petitioner pays the cost of publication or if the petitioner's costs have been waived pursuant to section 2 of this act, unless the county legislative authority allocates funds for service of process by publication for petitioners who are granted leave to proceed in forma pauperis.

Sec. 5. RCW 26.50.125 and 1995 c 246 s 17 are each amended to read as follows:

Except as provided in section 2 of this act, the court may permit service by publication or by mail under this chapter only if the petitioner pays the cost of publication or mailing unless the county legislative authority allocates funds for service of process by publication or by mail for indigent petitioners."

On page 1, line 1 of the title, after "orders;" strike the remainder of the title and insert "amending RCW 10.14.040, 10.14.100, 10.14.125, and 26.50.125; and adding a new section to chapter 10.14 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed House Bill No. 2655 and advanced the bill as amended by the Senate to final passage.

Representative Schual-Berke spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2655 and the bill as amended by the Senate the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh,

Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed House Bill No. 2655, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.20.270 and 2000 c 121 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes any person who provides residents with hands-on personal care on behalf of a boarding home, except volunteers who are directly supervised.

(b) "Direct supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section, is on the premises, and is quickly and easily available to the caregiver.

(2) Training must have the following components: Orientation, basic training, specialty training as appropriate, and continuing education. All boarding home employees or volunteers who routinely interact with residents shall complete orientation. Boarding home administrators, or their designees, and caregivers shall complete orientation, basic training, specialty training as appropriate, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate boarding home staff to all boarding home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of (~~March~~) September 1, 2002, whichever is later. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without direct supervision. Boarding home administrators, or their designees, must complete basic training and demonstrate competency within one hundred twenty days of employment or within one hundred twenty days of (~~March~~) September 1, 2002, whichever is later.

(5) For boarding homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of administrators, or designees, and caregivers. Specialty training consists of modules on the core knowledge and skills that caregivers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test. Specialty training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care to a resident having special needs or within one hundred twenty days of (~~March~~) September 1, 2002, whichever is later. However, if specialty training is not integrated with basic training, the specialty

training must be completed within ninety days of completion of basic training. Until competency in the core specialty areas has been demonstrated, caregivers shall not provide hands-on personal care to residents with special needs without direct supervision. Boarding home administrators, or their designees, must complete specialty training and demonstrate competency within one hundred twenty days of ~~((March))~~ September 1, 2002, or one hundred twenty days from the date on which the administrator or his or her designee is hired, whichever is later, if the boarding home serves one or more residents with special needs.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required ~~((during the first))~~ in the same calendar year ~~((following completion of the))~~ in which basic ~~((training))~~ or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(10) The ~~((community long term care training and education steering committee established under RCW 74.39A.190))~~ department shall develop criteria for the approval of orientation, basic training, and specialty training programs.

(11) Boarding homes that desire to deliver facility-based training with facility designated trainers, or boarding homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The ~~((community long term care training and education steering committee))~~ department shall develop criteria for reviewing and approving trainers and training materials that are substantially similar to or better than the materials developed by the ~~((steering committee))~~ department. The department may approve a curriculum based upon attestation by a boarding home administrator that the boarding home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled yearly inspection and investigation required under RCW 18.20.110. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(12) The department shall adopt rules by ~~((March))~~ September 1, 2002, for the implementation of this section ~~((based on the recommendations of the community long term care training and education steering committee established in RCW 74.39A.190)).~~

(13) The orientation, basic training, specialty training, and continuing education requirements of this section ~~((take effect March))~~ commence September 1, 2002, or one hundred twenty days from the date of employment, whichever is later, and shall be applied ~~((prospectively))~~ to (a) employees hired subsequent to September 1, 2002; and (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 and this section. Existing employees who have not successfully completed the training requirements under RCW 74.39A.010 or 74.39A.020 shall be subject to all applicable requirements of this section. However, prior to September 1, 2002, nothing in this section affects the current training requirements under RCW 74.39A.010.

NEW SECTION. Sec. 2. A new section is added to chapter 43.20A RCW to read as follows:
The department shall publish its final basic and specialty training competencies and learning outcomes as required by chapter 121, Laws of 2000 no later than June 1, 2002.

Sec. 3. RCW 70.128.230 and 2000 c 121 s 3 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Caregiver" includes all adult family home resident managers and any person who provides residents with hands-on personal care on behalf of an adult family home, except volunteers who are directly supervised.

(b) "Indirect supervision" means oversight by a person who has demonstrated competency in the core areas or has been fully exempted from the training requirements pursuant to this section and is quickly and easily available to the caregiver, but not necessarily on-site.

(2) Training must have three components: Orientation, basic training, and continuing education. All adult family home providers, resident managers, and employees, or volunteers who routinely interact with residents shall complete orientation. Caregivers shall complete orientation, basic training, and continuing education.

(3) Orientation consists of introductory information on residents' rights, communication skills, fire and life safety, and universal precautions. Orientation must be provided at the facility by appropriate adult family home staff to all adult family home employees before the employees have routine interaction with residents.

(4) Basic training consists of modules on the core knowledge and skills that caregivers need to learn and understand to effectively and safely provide care to residents. Basic training must be outcome-based, and the effectiveness of the basic training must be measured by demonstrated competency in the core areas through the use of a competency test. Basic training must be completed by caregivers within one hundred twenty days of the date on which they begin to provide hands-on care or within one hundred twenty days of (~~March~~) September 1, 2002, whichever is later. Until competency in the core areas has been demonstrated, caregivers shall not provide hands-on personal care to residents without indirect supervision.

(5) For adult family homes that serve residents with special needs such as dementia, developmental disabilities, or mental illness, specialty training is required of providers and resident managers. Specialty training consists of modules on the core knowledge and skills that providers and resident managers need to effectively and safely provide care to residents with special needs. Specialty training should be integrated into basic training wherever appropriate. Specialty training must be outcome-based, and the effectiveness of the specialty training measured by demonstrated competency in the core specialty areas through the use of a competency test. Specialty training must be completed by providers and resident managers before admitting and serving residents who have been determined to have special needs related to mental illness, dementia, or a developmental disability. Should a resident develop special needs while living in a home without specialty designation, the provider and resident manager have one hundred twenty days to complete specialty training.

(6) Continuing education consists of ongoing delivery of information to caregivers on various topics relevant to the care setting and care needs of residents. Competency testing is not required for continuing education. Continuing education is not required (~~during the first~~) in the same calendar year (~~following completion of the~~) in which basic (~~training~~) or modified basic training is successfully completed. Continuing education is required in each calendar year thereafter. If specialty training is completed, the specialty training applies toward any continuing education requirement for up to two years following the completion of the specialty training.

(7) Persons who successfully challenge the competency test for basic training are fully exempt from the basic training requirements of this section. Persons who successfully challenge the specialty training competency test are fully exempt from the specialty training requirements of this section.

(8) Licensed persons who perform the tasks for which they are licensed are fully or partially exempt from the training requirements of this section, as specified by the department in rule.

(9) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges, private associations, or other entities, as defined by the department.

(10) Adult family homes that desire to deliver facility-based training with facility designated trainers, or adult family homes that desire to pool their resources to create shared training systems, must be encouraged by the department in their efforts. The (~~community long-term care training and education steering committee~~) department shall develop criteria for reviewing and approving trainers and training materials. The department may approve a curriculum based upon attestation by an adult

family home administrator that the adult family home's training curriculum addresses basic and specialty training competencies identified by the department, and shall review a curriculum to verify that it meets these requirements. The department may conduct the review as part of the next regularly scheduled inspection authorized under RCW 70.128.070. The department shall rescind approval of any curriculum if it determines that the curriculum does not meet these requirements.

(11) The department shall adopt rules by ~~((March))~~ September 1, 2002, for the implementation of this section ~~((based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190)).~~

(12) The orientation, basic training, specialty training, and continuing education requirements of this section ~~((take effect March))~~ commence September 1, 2002, and shall be applied ~~((prospectively))~~ to (a) employees hired subsequent to September 1, 2002; or (b) existing employees that on September 1, 2002, have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 and this section. Existing employees who have not successfully completed the training requirements under RCW 70.128.120 or 70.128.130 shall be subject to all applicable requirements of this section. However, until September 1, 2002, nothing in this section affects the current training requirements under RCW 70.128.120 and 70.128.130.

Sec. 4. RCW 74.39A.190 and 2000 c 121 s 8 are each amended to read as follows:

(1) The secretary shall appoint a steering committee for community long-term care training and education to advise the department on the development ~~((and approval))~~ of criteria for training materials, the development of competency tests, the development of criteria for trainers, and the development of exemptions from training. The community long-term care training and education steering committee shall also review the effectiveness of the training program or programs, including the qualifications and availability of the trainers. ~~((The steering committee shall also review the appropriateness of the adopted rules implementing this section.))~~ The steering committee shall advise the department on flexible and innovative learning strategies that accomplish the training goals, such as competency and outcome-based models and distance learning. The steering committee shall review and recommend the most appropriate length of time between an employee's date of first hire and the start of the employee's basic training.

(2) The steering committee shall, at a minimum, consist of a representative from each of the following: Each of the statewide boarding home associations, two adult family home associations, each of the statewide home care associations, the long-term care ombudsman program, the area agencies on aging, the department of health representing the nursing care quality assurance commission, and a consumer, or their nonprovider designee, from a boarding home, adult family home, home care served by an agency, and home care served by an individual provider. A majority of the members currently serving constitute a quorum.

(3) Nothing in this chapter shall prevent the adult family home advisory committee from enhancing training requirements for adult family providers and resident managers, regulated under chapter 18.48 RCW, at the cost of those providers and resident managers.

(4) Establishment of the steering committee does not prohibit the department from utilizing other advisory activities that the department deems necessary for program development. However, when the department obtains input from other advisory sources, the department shall present the information to the steering committee for their review ~~((and approval))~~.

(5) Each member of the steering committee shall serve without compensation. Consumer representatives may be reimbursed for travel expenses as authorized in RCW 43.03.060.

(6) The steering committee recommendations must implement the intent of RCW 74.39A.050(14) to create training that includes skills and competencies that are transferable to nursing assistant training.

(7) The steering committee shall cease to exist ~~((on))~~ July 1, ~~((2004))~~ 2003.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "training;" strike the remainder of the title and insert "amending RCW 18.20.270, 70.128.230, and 74.39A.190; adding a new section to chapter 43.20A RCW; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Engrossed Substitute House Bill No. 2707 and advanced the bill as amended by the Senate to final passage.

Representative Cody spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2707 and the bill as amended by the Senate the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed Substitute House Bill No. 2707, as amended by the Senate having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 2002

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to SENATE BILL NO. 6571 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House receded from its position and passed to final passage Senate Bill No. 6571 without the amendments by the House.

Representative McDermott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6571.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6571 and the bill passed the House by the following vote: Yeas - 57, Nays - 40, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 57.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen,

Esser, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Van Luven - 40.
Excused: Representative Delvin - 1.

Senate Bill No. 6571, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 2002

Mr. Speaker:

The Senate refuses to concur in the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6641 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House receded from its amendment to Engrossed Substitute Senate Bill No. 6641.

There being no objection, the rules were suspended, and Engrossed Substitute Senate Bill No. 6641 was returned to second reading for purpose of amendments.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641, by Senate Committee on Education (originally sponsored by Senators McAuliffe and Thibaudeau)

Accommodating children with diabetes in schools.

Representative Schual-Berke moved the adoption of amendment (502):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.210 RCW to read as follows:

The legislature finds that diabetes imposes significant health risks to students enrolled in the state's public schools and that providing for the medical needs of students with diabetes is crucial to ensure both the safety of students with diabetes and their ability to obtain the education guaranteed to all citizens of the state. The legislature also finds that children with diabetes can and should be provided with a safe learning environment and access to all other nonacademic school sponsored activities. The legislature further finds that an individual health plan for each child with diabetes should be in place in the student's school and should include provisions for a parental signed release form, medical equipment and storage capacity, and exceptions from school policies, school schedule, meals and eating, disaster preparedness, inservice training for staff, legal documents for parent-designated adults who may provide care, as needed, and personnel guidelines describing who may assume responsibility for activities contained in the student's individual health plan.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.210 RCW to read as follows:

(1) School districts shall provide individual health plans for students with diabetes, subject to the following conditions:

(a) The board of directors of the school district shall adopt policies to be followed for students with diabetes. The policies shall include, but need not be limited to:

(i) The acquisition of parent requests and instructions;

(ii) The acquisition of orders from licensed health professionals prescribing within the scope of their prescriptive authority for monitoring and treatment at school;

(iii) The provision for storage of medical equipment and medication provided by the parent;

(iv) The provision for students to perform blood glucose tests, administer insulin, treat hypoglycemia and hyperglycemia, and have easy access to necessary supplies and equipment to

perform monitoring and treatment functions as specified in the individual health plan. The policies shall include the option for students to carry on their persons the necessary supplies and equipment and the option to perform monitoring and treatment functions anywhere on school grounds including the students' classrooms, and at school-sponsored events;

(v) The establishment of school policy exceptions necessary to accommodate the students' needs to eat whenever and wherever necessary, have easy, unrestricted access to water and bathroom use, have provisions made for parties at school when food is served, eat meals and snacks on time, and other necessary exceptions as described in the individual health plan;

(vi) The assurance that school meals are never withheld because of nonpayment of fees or disciplinary action;

(vii) A description of the students' school day schedules for timing of meals, snacks, blood sugar testing, insulin injections, and related activities;

(viii) The development of individual emergency plans;

(ix) The distribution of the individual health plan to appropriate staff based on the students' needs and staff level of contact with the students;

(x) The possession of legal documents for parent-designated adults to provide care, if needed; and

(xi) The updating of the individual health plan at least annually or more frequently, as needed; and

(b) The board of directors, in the course of developing the policies in (a) of this subsection, shall seek advice from one or more licensed physicians or nurses or diabetes educators who are nationally certified.

(2)(a) For the purposes of this section, "parent-designated adult" means a volunteer, who may be a school district employee, who receives additional training from a health care professional or expert in diabetic care selected by the parents, and who provides care for the child consistent with the individual health plan.

(b) To be eligible to be a parent-designated adult, a school district employee not licensed under chapter 18.79 RCW shall file, without coercion by the employer, a voluntary written, current, and unexpired letter of intent stating the employee's willingness to be a parent-designated adult. If a school employee who is not licensed under chapter 18.79 RCW chooses not to file a letter under this section, the employee shall not be subject to any employer reprisal or disciplinary action for refusing to file a letter.

(3) The board of directors shall designate a professional person licensed under chapter 18.71, 18.57, or 18.79 RCW as it applies to registered nurses and advanced registered nurse practitioners, to consult and coordinate with the student's parents and health care provider, and train and supervise the appropriate school district personnel in proper procedures for care for students with diabetes to ensure a safe, therapeutic learning environment. Training may also be provided by a diabetes educator who is nationally certified. Parent-designated adults who are school employees are required to receive the training provided under this subsection. Parent-designated adults who are not school employees shall show evidence of comparable training. The parent-designated adult must also receive additional training as established in subsection (2)(a) of this section for the additional care the parents have authorized the parent-designated adult to provide. The professional person designated under this subsection is not responsible for the supervision of the parent-designated adult for those procedures that are authorized by the parents.

NEW SECTION. **Sec. 3.** The superintendent of public instruction and the secretary of the department of health shall develop a uniform policy for all school districts providing for the inservice training for school staff on symptoms, treatment, and monitoring of students with diabetes and on the additional observations that may be needed in different situations that may arise during the school day and during school sponsored events. The policy shall include the standards and skills that must be in place for inservice training of school staff.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.210 RCW to read as follows:

A school district, school district employee, agent, or parent-designated adult who, acting in good faith and in substantial compliance with the student's individual health plan and the instructions of the student's licensed health care professional, provides assistance or services under section 1 or 2 of

this act shall not be liable in any criminal action or for civil damages in his or her individual or marital or governmental or corporate or other capacities as a result of the services provided under section 1 or 2 of this act to students with diabetes.

NEW SECTION. **Sec. 5.** This act takes effect July 1, 2002."

Correct the title.

Representatives Schual-Berke, Campbell and Pflug spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Quall and Pflug spoke in favor of passage of the bill.

6641 COLLOQUY

Representative Pflug: "Under section 2(3), the bill allows parents to designate an adult to volunteer to provide care for a child with diabetes. Can you clarify what this includes?"

Representative Schual-Berke: "This would cover the child who wants to participate in school activities or needs help during the school day and includes, for example, the giving of, or helping the student with, their injections."

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6641 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6641, as amended by the House and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Delvin - 1.

Engrossed Substitute Senate Bill No. 6641, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on third reading by which Senate Bill No. 6571 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6571 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6571 on reconsideration and the bill passed the House by the following vote: Yeas - 55, Nays - 42, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 55.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, O'Brien, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott and Van Luven - 42.

Excused: Representative Delvin - 1.

Senate Bill No. 6571, on reconsideration, having received the constitutional majority, was declared passed.

The Speaker called upon Representative Lovick to preside.

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4732, by Representatives Reardon, Gombosky, Morris, Quall, Ruderman, Cooper, Berkey, Hatfield, Sehlin, Sullivan, Dunshee, Simpson and Holmquist

WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of national leaders who have served our country with a high degree of excellence; and

WHEREAS, United States Senator John McCain was born in the Panama Canal Zone in 1936, the son and grandson of prominent Navy admirals; and

WHEREAS, John McCain graduated from the Naval Academy in 1958 and served in the Vietnam War; and

WHEREAS, John McCain was shot down over Hanoi in 1967 and held as a prisoner of war for five and one-half years; and

WHEREAS, John McCain earned the Silver Star, Bronze Star, Legion of Merit, Purple Heart, and Distinguished Flying Cross for his service to America during the Vietnam War; and

WHEREAS, John McCain was elected to the United States House of Representatives in 1982 and to the United States Senate in 1985; and

WHEREAS, United States Senator John Kerry was born in Denver, Colorado, at Fitzimmons Military Hospital where his father, Richard, a volunteer in the Army Air Corps was serving during World War II; and

WHEREAS, John Kerry volunteered for combat duty service in Vietnam after his graduation from college and was an officer on a gunboat in the Mekong Delta; and

WHEREAS, John Kerry earned the Silver Star, Bronze Star, and three awards of the Purple Heart for his heroism in combat; and

WHEREAS, John Kerry was elected to the United States Senate in 1984; and

WHEREAS, Senators McCain and Kerry have worked tirelessly throughout their Senate careers to help our Nation's veterans and help America heal from the wounds of Vietnam, by pushing for treatment of veterans suffering the fall-out of Agent Orange and Post-Traumatic Stress Syndrome, and through an unprecedented investigation to determine the fate of Americans still missing in action in Vietnam; and

WHEREAS, Senators McCain and Kerry have worked in a bipartisan way to improve United States-Vietnamese relations; and

WHEREAS, Senators McCain and Kerry have been true champions to the thousands of veterans here in Washington state and around the country, fighting for improved health care, benefits, and treatment of veterans;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor John McCain and John Kerry as great patriots who have served this great Nation throughout their lives, fighting for veterans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Senator John McCain and Senator John Kerry.

House Resolution No. 4732 was adopted.

HOUSE RESOLUTION NO. 2002-4735, by Representatives Kirby and Conway

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Lincoln High School Abes Basketball Team showed the highest form of excellence in winning the school's second consecutive Class 4A State Championship after a 50-47 victory over Ferris of Spokane in the Tacoma Dome; and

WHEREAS, The Lincoln High School Abes Basketball Team have a season record of 27-2, ending this season with a 19 game winning streak, and a record of 56-3 over the past two seasons; and

WHEREAS, The starting players of the Lincoln High School Abes Basketball Team are Andre Anderson, Robert Crawford, Justin Holt, Ben Shelton, and Andre Thompson; and

WHEREAS, The Lincoln High School Abes Basketball Team is coached by Head Coach Tim Kelly, Assistant Coach Mark Williams, Assistant Coach Matt Kitna, and Assistant Coach Duane Lee; and

WHEREAS, The Lincoln High School Abes Basketball Team have a distinguished record as West Central District 3 Champions 2001 and 2002, Narrows League Champions 2001 and 2002, and State Champions 2001 and 2002; and

WHEREAS, The Lincoln High School Abes Basketball Team demonstrated amazing skill and admirable sportsmanship in achieving these outstanding accomplishments; and

WHEREAS, The victorious Lincoln High School Abes Basketball Team is a source of great pride to all the citizens of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor the Lincoln High School Abes Basketball Team for their incredible achievements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Lincoln High School Abes Basketball Team; Mr. Tim Kelly, Coach; Ms. Char Davenport, Athletic Director; Mr. Grant Hosford, Principal; and Dr. James Shoemaker, Superintendent.

House Resolution No. 4735 was adopted.

HOUSE RESOLUTION NO. 2002-4736, by Representatives Kenney, Lovick, Veloria, McIntire, Sullivan, Kirby, Rockefeller, Simpson, Chase, Lantz, Hunt, Lysen, Cody, Fisher, Cooper, Romero, Ogden, Kessler, Chopp, Grant, Dickerson, Tokuda, Fromhold, Santos, McDermott, Schual-Berke, Kagi, Murray and Berkey

WHEREAS, On Saturday March 2, 2002, the Seattle Prep Panthers girls' basketball team defeated the Eastside Catholic Crusaders by a score of 50-40 to win their first state basketball championship; and

WHEREAS, Using their rebounding prowess and gritty defense, the team defeated a worthy competitor to secure the victory; and

WHEREAS, Seattle Prep's perseverance and hard work earned them a record of 27-2 this season; and

WHEREAS, The team, coached by Michelle Hall and her talented assistant coaches, Jeff Pietz, Rebecca Valdivia, Mary DeWine, Kelly Nolan, and Angela Anderson, also won the Metro League Championship this season while finishing second in the Sea-King District; and

WHEREAS, The team members--Molly Kane, Laura Thramer, Joy Hollingsworth, Katie Patneau, Christina Padden, Che' Oh, Katie Fitzmaurice, Shannon Lovejoy, Rachel Snyder, Lauren Cane, Katie Urban, and Sarah Gattis--have fostered pride and honor at Seattle Prep; and

WHEREAS, One of the Seattle Prep girls' basketball team members Joy Hollingsworth, was named Metro League Most Valuable Player and a member of the Seattle Times All-Star team; and

WHEREAS, The team's superb shooting, rebounding, and excellent all around defense led them to a near-perfect season; and

WHEREAS, The Seattle Prep girls' basketball team members maintained an impressive team G.P.A. of over 3.2;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and applaud the Seattle Prep Panthers girls' basketball team for their achievement and success this season; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the girls' basketball coaching staff and administration at Seattle Preparatory School.

House Resolution No. 4736 was adopted.

HOUSE RESOLUTION NO. 2002-4720, by Representatives Nixon, Ruderman, Esser, Van Luven, Ballasiotes, Pflug, Jarrett, Anderson, Sommers, Cox, McMorris, Boldt, DeBolt, Bush, Orcutt, Morell, Holmquist, Reardon, Haigh, Ogden, Doumit, McDermott, Skinner, Buck, Cairnes, Uptegrove, Fromhold, Simpson, Miloscia, Tokuda, Wood and McIntire

WHEREAS, Jill Bakken of Kirkland, along with teammate Vonetta Flowers, won the gold medal in the inaugural women's Olympic bobsled race; and

WHEREAS, Jill Bakken and Vonetta Flowers had the fastest combined time of 1 minute, 37.76 seconds in both runs; and

WHEREAS, Vonetta Flowers, the team's brakewoman and a former track star at the University of Alabama-Birmingham, became the first African-American athlete to win a Winter Olympic gold medal; and

WHEREAS, Jill Bakken is a graduate of Lake Washington High School and is remembered as an ambitious sports competitor who also excelled in skiing, basketball, and soccer; and

WHEREAS, Jill Bakken has been a member of the bobsled team since its inception in 1994, when she left Lake Washington High School to begin training; and

WHEREAS, In 1995, Jill Bakken was the United States Olympic Committee Sportswoman of the Year; and

WHEREAS, In order to help her training, Jill Bakken joined the Army and went through basic training and received assistance in the Armed Forces World Class Athlete Program and still serves in the National Guard; and

WHEREAS, During her years as a student at Lake Washington High School, Jill Bakken was a three-time All-Kingco soccer player; and

WHEREAS, Jill Bakken and Vonetta Flowers were not favored as medal contenders and yet overcame the seemingly insurmountable odds to race on to victory;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor Jill Bakken and Vonetta Flowers for their outstanding and landmark achievement in women's bobsled racing; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jill Bakken, Vonetta Flowers, the International Olympic Committee, and the United States Olympic Committee.

House Resolution No. 4720 was adopted.

There being no objection, Substitute Senate Bill No. 6351 was returned to Second reading for purpose of amendments.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6351, by Senate Committee on Education (originally sponsored by Senators Haugen, McAuliffe, Finkbeiner, Rasmussen, Hochstatter, Stevens, Eide, Kohl-Welles, Keiser and Oke)

Requiring notification policies regarding threats at schools.

Representative Rockefeller moved the adoption of amendment (528):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) By September 1, 2003, each school district board of directors shall adopt a policy that addresses the following issues:

(a) Procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy shall define "threats of violence or harm";

(b) Procedures for disclosing information that is provided to the school administrators about a student's conduct, including but not limited to the student's prior disciplinary records, official juvenile court records, and history of violence, to classroom teachers, school staff, and school security who, in the judgment of the principal, should be notified; and

(c) Procedures for determining whether or not any threats or conduct established in the policy may be grounds for suspension or expulsion of the student.

(2) The superintendent of public instruction, in consultation with educators and representatives of law enforcement, classified staff, and organizations with expertise in violence prevention and intervention, shall adopt a model policy that includes the issues listed in subsection (1) of this section by January 1, 2003. The model policy shall be posted on the superintendent of public instruction's web site. The school districts, in drafting their own policies, shall review the model policy.

(3) School districts, school district boards of directors, school officials, and school employees providing notice in good faith as required and consistent with the board's policies adopted under this section are immune from any liability arising out of such notification.

(4) A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021."

On page 1, line 1 of the title, after "students;" strike the remainder of the title and insert "adding a new section to chapter 28A.320 RCW; and prescribing penalties."

Representatives Rockefeller and Talcott spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House was placed on final passage.

Representatives Lisk and Quall spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6351, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6351, as amended by the House and the bill passed the House by the following vote: Yeas - 96, Nays - 0, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn,

Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Excused: Representatives Armstrong and Skinner - 2.

Substitute Senate Bill No. 6351, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

SB 6819 by Senators Brown and Snyder; by request of Office of Financial Management

AN ACT Relating to temporary amendments to the state's expenditure limitations to address the revenue shortfall in the 2001-2003 biennium; reenacting and amending RCW 43.135.035 and 43.135.045; providing an expiration date; and declaring an emergency.

There being no objection, Senate Bill No. 6819 was read the first time, the rules were suspended and the bill was placed on the Second reading calendar.

SECOND READING

SENATE BILL NO. 6819, by Senators Brown and Snyder; by request of Office of Financial Management

Making temporary amendments to the state's expenditure limitations to address the revenue shortfall in the 2001-2003 biennium.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Sehlin:

SPEAKER'S RULING

Mr. Speaker: "Although Senate Bill No. 6819 and Initiative 728 contain amendments to RCW 43.135.035 and RCW 43.135.045, they amend different sections of these statutes. Nothing in Senate Bill No. 6819 alters or modifies the operative language or effect of Initiative 728.

Therefore, the Speaker finds that a constitutional majority of 50 votes is required on final passage."

Representatives Sehlin, Matson, Ballard, Bush, DeBolt, Benson, Clements, Carrell, Anderson, Nixon, Ericksen, Schindler, Esser, Alexander, Talcott, Roach and Van Luven spoke against the passage of the bill.

Representatives Kessler, McIntire, Doumit, Dunshee and Morris spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6819.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6819 and the bill passed the House by the following vote: Yeas - 50, Nays - 46, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Excused: Representatives Armstrong and Skinner - 2.

Senate Bill No. 6819, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5099,
SUBSTITUTE SENATE BILL NO. 5292,
SENATE BILL NO. 5629,
SUBSTITUTE SENATE BILL NO. 6234,
SUBSTITUTE SENATE BILL NO. 6248,
SUBSTITUTE SENATE BILL NO. 6254,
SUBSTITUTE SENATE BILL NO. 6264,
SUBSTITUTE SENATE BILL NO. 6286,
SUBSTITUTE SENATE BILL NO. 6301,
ENGROSSED SENATE BILL NO. 6316,
SENATE BILL NO. 6457,
SUBSTITUTE SENATE BILL NO. 6461,
SENATE BILL NO. 6465,
SENATE BILL NO. 6530,
SENATE BILL NO. 6538,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5841,
SUBSTITUTE SENATE BILL NO. 6364,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6400,
SUBSTITUTE SENATE BILL NO. 6409,
SUBSTITUTE SENATE BILL NO. 6426,
SUBSTITUTE SENATE BILL NO. 6553,
SENATE BILL NO. 6609,
ENGROSSED SENATE JOINT MEMORIAL NO. 8014,
SENATE BILL NO. 6571,
SUBSTITUTE SENATE BILL NO. 5543,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5748,

SENATE BILL NO. 6376,
ENGROSSED SENATE BILL NO. 6380,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6412,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6428,
SENATE BILL NO. 6466,
SUBSTITUTE SENATE BILL NO. 6481,
SUBSTITUTE SENATE BILL NO. 6488,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6490,
SENATE BILL NO. 6508,
SUBSTITUTE SENATE BILL NO. 6515,
SENATE BILL NO. 6557,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6558,
SUBSTITUTE SENATE BILL NO. 6575,
SENATE BILL NO. 6577,
SUBSTITUTE SENATE BILL NO. 6600,
ENGROSSED SENATE BILL NO. 6630,
SUBSTITUTE SENATE BILL NO. 6635,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6700,
SENATE BILL NO. 6709,
SUBSTITUTE SENATE BILL NO. 6748,
SENATE BILL NO. 6763,
SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 2060,
SUBSTITUTE HOUSE BILL NO. 2309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2325,
HOUSE BILL NO. 2332,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,
SUBSTITUTE HOUSE BILL NO. 2379,
SUBSTITUTE HOUSE BILL NO. 2382,
HOUSE BILL NO. 2386,
SUBSTITUTE HOUSE BILL NO. 2432,
SUBSTITUTE HOUSE BILL NO. 2446,
SUBSTITUTE HOUSE BILL NO. 2456,
SUBSTITUTE HOUSE BILL NO. 2468,
HOUSE BILL NO. 2501,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2522,
ENGROSSED HOUSE BILL NO. 2655,
HOUSE BILL NO. 2672,
ENGROSSED HOUSE BILL NO. 2773,
SUBSTITUTE HOUSE BILL NO. 2874,
ENGROSSED HOUSE BILL NO. 2918,
SUBSTITUTE HOUSE BILL NO. 1166,
SUBSTITUTE HOUSE BILL NO. 1189,
SUBSTITUTE HOUSE BILL NO. 1395,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1411,
HOUSE BILL NO. 1856,
SECOND SUBSTITUTE HOUSE BILL NO. 1938,
SUBSTITUTE HOUSE BILL NO. 2160,
SUBSTITUTE HOUSE BILL NO. 2169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305,
SECOND SUBSTITUTE HOUSE BILL NO. 2346,
SUBSTITUTE HOUSE BILL NO. 2357,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2453,
HOUSE BILL NO. 2496,
ENGROSSED HOUSE BILL NO. 2498,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2505,
SUBSTITUTE HOUSE BILL NO. 2568,
SUBSTITUTE HOUSE BILL NO. 2589,
ENGROSSED HOUSE BILL NO. 2623,
HOUSE BILL NO. 2641,
HOUSE BILL NO. 2657,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2699,
SUBSTITUTE HOUSE BILL NO. 2736,
ENGROSSED HOUSE BILL NO. 2748,
SUBSTITUTE HOUSE BILL NO. 2767,
ENGROSSED HOUSE BILL NO. 2841,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1444,
SUBSTITUTE HOUSE BILL NO. 1521,
HOUSE BILL NO. 2289,
HOUSE BILL NO. 2389,
HOUSE BILL NO. 2407,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2541,
SUBSTITUTE HOUSE BILL NO. 2557,
HOUSE BILL NO. 2570,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2574,
SUBSTITUTE HOUSE BILL NO. 2765,
HOUSE BILL NO. 2768,
SUBSTITUTE HOUSE BILL NO. 2893,
SUBSTITUTE HOUSE BILL NO. 2914,
SENATE BILL NO. 5064,
SENATE BILL NO. 5138,
SUBSTITUTE SENATE BILL NO. 5166,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207,
SECOND SUBSTITUTE SENATE BILL NO. 5291,
SECOND SUBSTITUTE SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5552,
ENGROSSED SENATE BILL NO. 5624,
ENGROSSED SENATE BILL NO. 5626,
ENGROSSED SENATE BILL NO. 5692,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5777,
ENGROSSED SENATE BILL NO. 5954,
SECOND ENGROSSED SENATE BILL NO. 6001,
SUBSTITUTE SENATE BILL NO. 6037,
SECOND SUBSTITUTE SENATE BILL NO. 6080,
ENGROSSED SENATE BILL NO. 6232,
SUBSTITUTE SENATE BILL NO. 6233,

MESSAGE FROM THE SENATE

March 12, 2002

Mr. Speaker:

The President has signed:
and the same is herewith transmitted.

SENATE BILL NO. 6819,

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SENATE BILL NO. 6819,

SECOND READING

HOUSE BILL NO. 3010, by Representatives Fromhold, McIntire, Conway, Cooper, Hunt and Sullivan

Creating the select committee on pension policy.

The bill was read the second time. There being no objection, Substitute House Bill No. 3010 was substituted for House Bill No. 3010 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 3010 was read the second time.

Representative Alexander moved the adoption of amendment (554):

554

Representatives Alexander and Sehlin spoke in favor of the adoption of the amendment.

Representatives Cooper and Conway spoke against the adoption of the amendment.

The amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold spoke in favor of passage of the bill.

Representatives Sehlin and Alexander spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 3010.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3010 and the bill passed the House by the following vote: Yeas - 64, Nays - 32, Absent - 0, Excused - 2.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Carrell, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Orcutt, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Benson, Boldt, Bush, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Pearson, Pflug, Roach, Schindler, Sehlin, Sump and Van Luven - 32.

Excused: Representatives Armstrong and Skinner - 2.

Substitute House Bill No. 3010, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

SB 6828 by Senators Brown and Swecker

AN ACT Relating to the disposition of the state's revenues from the tobacco litigation national master settlement agreement; amending RCW 43.79.480; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.

There being no objection, Senate Bill No. 6828 was read the first time, the rules were suspended and the bill was placed on the Second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 6828, by Senators Brown and Swecker

Securitizing a portion of the state's revenue from the tobacco litigation national master settlement agreement.

The bill was read the second time.

Representative Sommers moved the adoption of amendment (527):

527

Representative Alexander moved the adoption of amendment (545) to amendment (530):

545

Representatives Alexander spoke in favor of the adoption of the amendment of the amendment.

Representative McIntire spoke against the adoption of the amendment of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (545) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (545) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Dunn moved the adoption of amendment (548) to amendment (530)*:

548

Representatives Dunn, Sehlin, DeBolt, Benson, Dunn (again), Mastin, Carrell and Anderson spoke in favor of the adoption of the amendment.

Representative Fromhold, McIntire and Dunshee spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (548) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (547) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Benson moved the adoption of amendment (547) to amendment (430):

547

Representatives Benson, Mastin, DeBolt, Carrell, Benson (again), Bush and Schoesler spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (547) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (547) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Sehlin moved the adoption of amendment (564) to amendment (530) *:

564

Representatives Sehlin, Ballard and Talcott spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (555) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (555) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Clements moved the adoption of amendment (555) to amendment (530) *:

555

Representatives Clements spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (555) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (555) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Cairnes moved the adoption of amendment (557) to amendment (530) *:

557

Representative Cairnes spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (557) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (557) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 45, Nays - 50, Absent - 0, Excused - 2, Not Voting - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 45.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Not Voting: Representative Jarrett - 1.

Representative Roach moved the adoption of amendment (542) to amendment (530):

542

Representatives Roach, Sehlin, Mastin, Clements, Mastin (again), Roach (again), Carrell, Cairnes and Bush, McMorris, DeBolt and Sump spoke in favor of the adoption of the amendment.

Representatives Sommers, McIntire, Cooper and Morris spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (542) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (542) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Campbell moved the adoption of amendment (543) to amendment (530):

543

Representative Campbell spoke in favor of the adoption of the amendment.

Representative Tokuda spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (543) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (543) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Nixon moved the adoption of amendment (544) to amendment (530) *:

544

Representatives Nixon and Sehlin spoke in favor of the adoption of the amendment.

Representative McIntire spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (544) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (544) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative DeBolt moved the adoption of amendment (546) to amendment (530) *:

546

Representatives DeBolt, Bush, Benson, Holmquist and Mastin spoke in favor of the adoption of the amendment.

Representatives Ruderman, Dunshee and Morris spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (546) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (546) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Pearson moved the adoption of amendment (556) to amendment (530) *:

556

Representatives Pearson, Clements, Van Luven, Sehlin and Bush spoke in favor of the adoption of the amendment.

Representative Dickerson spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (556) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (556) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

Representative Boldt moved the adoption of amendment (563) to amendment (530) *:

563

Representatives Boldt, Mulliken, Carrell and Alexander spoke in favor of the adoption of the amendment.

Representatives Dunshee and Romero spoke against the adoption of the amendment.

An electronic roll call vote was demanded and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (563) to Senate Bill No. 6828.

ROLL CALL

The Clerk called the roll on the adoption of amendment (563) to Senate Bill No. 6828 and the amendment was not adopted by the following vote: Yeas - 46, Nays - 50, Absent - 0, Excused - 2.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos,

Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Excused: Representatives Armstrong and Skinner - 2.

The amendment (530) was adopted without further amendments.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Sommers and Doumit spoke in favor of passage of the bill.

Representatives Sehlin, Schoesler, Roach, DeBolt, Anderson, Benson, Clements, Carrell and Ericksen spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6828, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6828, as amended by the House and the bill passed the House by the following vote: Yeas - 50, Nays - 46, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 46.

Excused: Representatives Armstrong and Skinner - 2.

Senate Bill No. 6828, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:30 a.m. March 13, 2002, the 59th Day of the Regular Legislative Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTY EIGHTH DAY, MARCH 12, 2002

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FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 13, 2002

The House was called to order at 9:30 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Zackery Shelton and Marcela Shannon. Prayer was offered by Pastor Marta Schellberg, Edmonds United Methodist Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4725, by Representatives Fisher, Mitchell and Hankins

WHEREAS, Dan Snow has made a lifelong commitment to public transportation and providing mobility choices to the people of Washington State; and

WHEREAS, Dan Snow began that commitment 30 years ago as a bus driver; and

WHEREAS, Dan Snow advanced in the industry while serving as Operations Director at Intercity Transit for 8 years; and

WHEREAS, Dan Snow was responsible for starting Island Transit in 1987 and providing outstanding leadership for the first four years of that organization as Island Transit's first General Manager; and

WHEREAS, Dan Snow's leadership skills were recognized by his peers and he was selected to serve as the Executive Director of the Washington State Transit Association in 1991; and

WHEREAS, Dan Snow has, at the request of the Washington State Transportation Commission and the Department of Transportation, served on numerous committees and projects, frequently representing minority viewpoints with good humor, due diligence, and an open mind; and

WHEREAS, Dan Snow's personal skills, and clear and consistent voice, have so ably served the people of the State of Washington and the public transportation industry; and

WHEREAS, Dan Snow's personal integrity, his sense of values, his fervent determination and advocacy, his grace, and his humanity are well recognized; and

WHEREAS, All that Dan Snow is and has accomplished have caused those who know him to respect him professionally and to regard him personally with warm affection;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the life and career of Dan Snow as a true champion of mobility for the citizens of Washington State; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dan Snow.

Representative Fisher moved the adoption of the resolution.

Representatives Fisher, Mitchell and Haigh spoke in favor of the adoption of the resolution.

House Resolution No. 4725 was adopted.

POINT OF PERSONAL PRIVILEGE

Representative Quall asked for a point of personal privilege to recognize the Lincoln High School Boys Basketball Team, The Lincoln "Abes".

RESOLUTIONS

HOUSE RESOLUTION NO. 2002-4737, by Representatives Conway, Clements and Campbell

WHEREAS, In 1902, in Tacoma, Washington, the members of the Labor Congress of the State of Washington voted to become affiliated with the American Federation of Labor and received their charter signed by Samuel Gompers; and

WHEREAS, The Washington State Federation of Labor, later the Washington State Labor Council AFL-CIO, has worked for the last 100 years not only to further interests of their members but also to make progress in matters of general public interest; and

WHEREAS, The efforts of the Washington State Labor Council resulted in laws providing for initiatives, referenda, and recalls; the election of United States senators by popular vote; and the Direct Primary Law; and

WHEREAS, Its efforts also resulted in the Small Claims Court Act, the Pure Food Law, the Sanitary Laws for hotels and restaurants, and other laws to protect consumers; and

WHEREAS, The Washington State Labor Council supported many measures for the expansion, protection, and improvement of the common schools, as well as the vocational education and higher education systems; and

WHEREAS, Its support helped create authority for public housing authorities, public hospitals, and public libraries, and establish a nonpartisan judiciary; and

WHEREAS, The Washington State Labor Council has long defended and advocated for the civil rights of the people of Washington, including laws against discrimination on the basis of race, color, creed, national origin, sex, marital status, age, or disability; and

WHEREAS, The Washington State Labor Council helped establish Memorial Day to honor men and women who died in our nation's service, and to show respect for all American veterans of wars and other military conflicts, and Labor Day to pay tribute to all American workers; and

WHEREAS, The Washington State Labor Council has been a leader in the arena of worker's compensation, unemployment insurance, worker safety, family leave, affordable health care, and collective bargaining;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and commend the Washington State Labor Council for 100 years of leadership, service, and advocacy on behalf of the people of Washington; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Washington State Labor Council.

House Resolution No. 4737 was adopted.

HOUSE RESOLUTION NO. 2002-4733, by Representatives Linville and McDermott

WHEREAS, The Washington State Legislature has designated that the second Wednesday in April each year is celebrated as Arbor Day; and

WHEREAS, The year 2002 Arbor Day theme of "Connecting Communities" inspires public tree plantings to restore trees lost to urban sprawl, rural land conversion, disease and pests, the lack of proper care, and even old age; and

WHEREAS, Arbor Day is a day to recognize our state tree, the western hemlock, and state flower, the rhododendron; and

WHEREAS, Arbor Day is a traditional day for the planting of trees and shrubs by citizens in the state of Washington; and

WHEREAS, Nurseries, orchards, tree farms, public and private forests, and street and parks trees add to the beauty and vigor of our state; and

WHEREAS, Arbor Day focuses community attention on planting trees while educating school children and community groups about the value of trees; and

WHEREAS, Arbor Day is a symbolic day to recognize the importance of trees and shrubs to the environment, in neighborhoods and communities, in the state's agricultural and timber-based economy, and the importance of continued regeneration of our renewable resources; and

WHEREAS, The state of Washington is appropriately called the Evergreen State due to the existence and special significance that trees and plants contribute to the jobs, natural beauty, environment, and quality of life of our citizens; and

WHEREAS, by observing Arbor Day every year the citizens of the state can show their appreciation for the state's natural resources, the full range of benefits that are provided from trees and shrubs in the state, and the importance of planting trees and shrubs throughout the year;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives hereby recognizes April 10, 2002, as Arbor Day and encourages residents to plant a tree or shrub and celebrate this day and also recognizes the month of October as Urban and Community Forestry month and urges residents to celebrate by planting and caring for trees, and by identifying significant and historic trees in their community.

House Resolution No. 4733 was adopted.

HOUSE RESOLUTION NO. 2002-4738, by Representatives Miloscia, Mitchell, Edwards and McDermott

WHEREAS, Since the first Winter Olympic Games in 1924 were held in Chamonix, France, the world's best athletes in the field of winter sports have competed and been recognized and rewarded in the Winter Olympics; and

WHEREAS, Apolo Anton Ohno, representing the United States of America, won an Olympic gold medal in the men's 1500 meter short-track speedskating event and an Olympic silver medal in the men's 1000 meter short-track speedskating event at the 2002 Winter Olympics held in Salt Lake City, Utah; and

WHEREAS, Apolo Anton Ohno won the first Olympic gold medal for the United States of America in the short-track speedskating event, and the first gold medal to be won in the Winter Olympics by a Washington state resident in nearly two decades; and

WHEREAS, Apolo Anton Ohno set the United States record for the men's 500 meter short-track speedskating event in the Olympic trials; and

WHEREAS, Apolo Anton Ohno maintained his academic coursework online while he was practicing for and competing in the Olympics by attending Federal Way's Internet Academy; and

WHEREAS, Yuki Ohno, Apolo Anton Ohno's father and owner of Seattle hair salon Yuki's Diffusions, emigrated from Japan after high school and raised Apolo Anton Ohno as a single parent; and

WHEREAS, Apolo Anton Ohno's dedication and hard work have made him a role model; and

WHEREAS, Apolo Anton Ohno has earned the pride of our nation and worldwide acclaim with his grace under incredible pressure, charm, and goateed good looks; and

WHEREAS, Apolo Anton Ohno, as the most visible American athlete in the 2002 Winter Olympics, has drawn the nation's attention to the fast-paced, unpredictable sport of short-track speedskating;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Apolo Anton Ohno for his accomplishments, perseverance, and grace as a model for all athletes, citizens of this state, and the nation; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the International Olympic Committee, United States Olympic Committee, United States Speed Skating, the Federal Way Internet Academy, Yuki Ohno, and Apolo Anton Ohno.

House Resolution No. 4738 was adopted.

HOUSE RESOLUTION NO. 2002-4722, by Representatives Linville and Ericksen

WHEREAS, Sondra Clark of Bellingham, a sixth-grader at Kulshan Middle School, has achieved national recognition for her volunteer efforts for children in Africa; and

WHEREAS, Sondra Clark has received a 2002 Prudential Spirit of Community Award for her volunteer work to promote the needs of the less fortunate children of Africa; and

WHEREAS, Sondra Clark is receiving this award through the partnership of Prudential Financial and the National Association of Secondary School Principals that honors young volunteers who make an extra effort to help others in need; and

WHEREAS, Sondra Clark has written letters, spoken to organizations, and appeared on television and radio in her efforts to raise funds to better the lives of children in Africa; and

WHEREAS, Sondra Clark has raised \$22,000 through the publishing of two books on crafts for kids and given a portion to Childcare International; and

WHEREAS, The success of the State of Washington and our communities depends on the talents and resources of young people like Ms. Sondra Clark;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate and honor Ms. Sondra Clark as a recipient of this national award, recognize her outstanding record of public service and promotion of the needs of others, and extend best wishes for her continued success and happiness; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ms. Sondra Clark, the Principal of Kulshan Middle School, and the Mayor of Bellingham.

House Resolution No. 4722 was adopted.

HOUSE RESOLUTION NO. 2002-4739, by Representatives Quall, Morris, Sehlin and Barlean

WHEREAS, The beautiful Skagit Valley is the tulip capital of the Northwest; and

WHEREAS, Every April, the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The Skagit Valley Tulip Festival begins the festival season in Washington; and

WHEREAS, This year's 19th annual event will run from April 5-21, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, This year's Tulip Festival ambassadors will ably and personably perform their responsibilities as representatives of this festival; and

WHEREAS, More than half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of this annual event, and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's visitors will be greeted by more than 1,500 acres of tulips reflecting all the colors of the rainbow, by the fullness of life in the valley, and its wonderful people; and

WHEREAS, Highlights of the event include the Kiwanis Annual Salmon Barbeque, the Tulip Pedal Bike Ride, the Anacortes Quilt Walk, the Downtown Mount Vernon Street Fair, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute the seven communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington State to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Skagit Valley Tulip Festival Executive Director Audrey Smith and the Tulip Festival Ambassadors.

House Resolution No. 4739 was adopted.

HOUSE RESOLUTION NO. 2002-4740, by Representatives Cody, Schual-Berke, Veloria, Murray, Tokuda, Kagi, Darneille, Ruderman, Edwards, Campbell, Skinner, Alexander, Ballasiotes and Benson

WHEREAS, It is the tradition of the Washington State House of Representatives to recognize and honor the contributions of individuals who have embraced and demonstrated the standards of excellence that enhance the well-being, health, and quality of life of the citizens of Washington State; and

WHEREAS, It is the intent of the members of the Washington State House of Representatives to recognize and honor Washington's state health officer, Maxine Hayes, M.D., MPH; and

WHEREAS, Dr. Hayes recently received the 2002 Dr. Nathan Davis Award for "Outstanding Government Service" from the American Medical Association, which is the highest award bestowed on a physician in the United States; and

WHEREAS, Dr. Hayes' physician colleagues from the Washington State Medical Association value her work over the past decades to improve the health of all Washingtonians, particularly low-income children and pregnant women and congratulate her on her award; and

WHEREAS, Dr. Hayes has been widely recognized throughout her career for her dedication to policies that promote maternal and child health as well as preventive services;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Dr. Maxine Hayes for her dedication to public health services, particularly those affecting low-income pregnant women and low-income children; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dr. Maxine Hayes.

House Resolution No. 4740 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) took a personal privilege to recognized the staff of the members' cafeteria: Marcel Dumont, Gail Crowe, Peggy Palm, Twila Asselstine and Clark Johnson, and asked the members to acknowledge them.

The Speaker assumed the chair.

MESSAGES FROM THE SENATE

March 13, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5236,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6641,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 12, 2002

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5082,
SENATE BILL NO. 6585,
SUBSTITUTE SENATE BILL NO. 6833,

and the same are herewith transmitted.

Tony M. Cook, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2002-4741, by Representatives McMorris, Sump, Hunt and Romero

WHEREAS, Each year high schools from around Washington participate in an academic decathlon, competing against one another in ten academic areas: Math, economics, science or social studies, literature, fine arts, music, essay, speech, interview, and a "super quiz" covering social studies or science; and

WHEREAS, An academic decathlon team is composed of nine students who have the opportunity to win gold, silver, or bronze medals in each of the ten academic areas; and

WHEREAS, An academic decathlon team's combined score determines the overall winner of the competition so that one team becomes Washington's academic decathlon team for that year, representing the state at the national academic decathlon; and

WHEREAS, Each team member sacrifices free time after school and on weekends to practice and prepare for the academic decathlon; and

WHEREAS, The Olympia High School academic decathlon team won a gold medal at the state competition, earning its members the right to represent Washington at the United States Academic Decathlon competition April 10-13 in Phoenix; and

WHEREAS, Leading the Olympia High School academic decathlon team is coach William Curtis, whose dedication and willingness to share his free time and energies enabled the team to win this year's state competition; and

WHEREAS, The Timberline High School academic decathlon team, under the direction of coach Richard Kistler, placed second in the state competition; and

WHEREAS, The Curlew High School academic decathlon team, coached by Karen Schaaf, placed third in the state competition;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the academic decathlon teams from Olympia High School, Timberline High School, and Curlew High School for their outstanding showings at this year's Washington State Academic Decathlon competition; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the principals of each high school for distribution to the individual team members and coaches.

House Resolution No. 4741 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 12, 2002

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560 to second reading for purpose of amendments. The Senate further adopted amendment 2560-S.E. AMS S4827.1 and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.100 and 1999 c 274 s 14 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020 for a course offered by a school district, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must meet the standards established by the office of the state superintendent of public instruction. The course offered by a driver training school must meet the standards

established by the department of licensing with the advice of the driver instructors' advisory committee, pursuant to RCW 46.82.300. The traffic safety education course may be provided by:

(i) A recognized secondary school; or

(ii) A ~~((commercial driving enterprise))~~ driver training school licensed under chapter 46.82 RCW that is annually approved by the ((office of the superintendent of public instruction)) department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

(i) He or she was unable to take or complete a traffic safety education course;

(ii) A need exists for the applicant to operate a motor vehicle; and

(iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

Sec. 2. RCW 46.20.055 and 1999 c 274 s 13 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a five-dollar fee, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program offered, approved, and accredited by the superintendent of public instruction or offered by a driving training school licensed and inspected by the department of licensing under chapter 46.82 RCW, that includes practice driving.

(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.

(3) **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

(4) **Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

(5) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

Sec. 3. RCW 46.20.070 and 1999 c 6 s 13 are each amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

- (b) The applicant has passed the driving examination required by RCW 46.20.120;
- (c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;
- (d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and
- (e) The applicant has paid a fee of three dollars.
The permit must contain a photograph of the person.
- (2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:
 - (i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and
 - (ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.
- (b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.
- (3) **Term and renewal of agricultural driving permit.** An agricultural driving permit expires one year from the date of issue.
 - (a) A person under the age of eighteen who holds a permit may renew the permit by paying a three-dollar fee.
 - (b) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.
- (4) **Suspension, revocation, or cancellation.** The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:
 - (a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or
 - (b) The director is satisfied that the permittee has violated the permit's restrictions.

NEW SECTION. Sec. 4. A new section is added to chapter 46.82 RCW to read as follows:

- (1) Persons instructing students under eighteen years of age are required to have a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation. The background check shall also include a fingerprint check using a fingerprint card.
- (2) The cost of the background check shall be paid by the instructor.
- (3) The department may waive the background check for any applicant who has had a background check within two years before applying to become an instructor.

Sec. 5. RCW 46.82.300 and 1984 c 287 s 93 are each amended to read as follows:

- (1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.
- (2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.
- (3) Duties of the advisory committee shall be to:
 - (a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;
 - (b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; (~~and~~)

(d) Review and update instructor certification standards to be consistent with RCW 46.82.330 and take into consideration those standards required to be met by traffic safety education teachers under RCW 28A.220.020(3); and

(e) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 46.20.100, 46.20.055, 46.20.070, and 46.82.300; and adding a new section to chapter 46.82 RCW."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 2560 and advanced the bill as amended by the Senate to final passage.

Representatives Quall and Hankins spoke in favor of the passage of the bill.

MOTION

On motion of Representative Wood, Representatives DeBolt, Sehlin and Skinner were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2560 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives DeBolt, Sehlin, and Skinner - 3.

Engrossed Substitute House Bill No. 2560, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2002

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2610, with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9A.42 RCW to read as follows:
A person is guilty of the crime of endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with methamphetamine or ephedrine, pseudoephedrine, or anhydrous ammonia,

that are being used in the manufacture of methamphetamine. Endangerment with a controlled substance is a class B felony.

Sec. 2. RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 - Kidnapping 1 (RCW 9A.40.020)
 - Leading Organized Crime (RCW 9A.82.060(1)(a))
 - Malicious explosion 3 (RCW 70.74.280(3))
 - Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
 - Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
 - Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Assault of a Child 2 (RCW 9A.36.130)
 - Controlled Substance Homicide (RCW 69.50.415)
 - Explosive devices prohibited (RCW 70.74.180)
 - Hit and Run--Death (RCW 46.52.020(4)(a))
 - Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
 - Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))

Malicious placement of an explosive 2 (RCW 70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))
Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)
Theft of Anhydrous Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110,
9A.72.130)
Malicious placement of an imitation device 2 (RCW
70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver
narcotics from Schedule I or II (except heroin or
cocaine) or flunitrazepam from Schedule IV (RCW
69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW
69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate
extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW
9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person
eighteen or over to person under eighteen (RCW
69.52.030(2))
Domestic Violence Court Order Violation (RCW
10.99.040, 10.99.050, 26.09.300, 26.10.220,
26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit
(RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)
Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW
9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Endangerment with a Controlled Substance (section 1
of this act)

Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
Malicious Injury to Railroad Property (RCW 81.60.070)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)
Counterfeiting (RCW 9.16.035(3))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Identity Theft 2 (RCW 9.35.020(2)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)

Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 43.43.830 and 1999 c 45 s 5 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.43.830 through 43.43.840.

(1) "Applicant" means:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons or vulnerable adults during the course of his or her employment or involvement with the business or organization;

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, (iii) developmentally disabled persons, or (iv) vulnerable adults; or

(c) Any prospective adoptive parent, as defined in RCW 26.33.020.

(2) "Business or organization" means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, houses, or provides recreation to developmentally disabled persons, vulnerable adults, or children under sixteen years of age, including but not limited to public housing authorities, school districts, and educational service districts.

(3) "Civil adjudication" means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In the case of vulnerable adults, civil adjudication means a specific court finding of abuse or financial exploitation in a protection proceeding under chapter 74.34 RCW. It does not include administrative proceedings. The term "civil adjudication" is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding or was a respondent in a protection proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) "Conviction record" means "conviction record" information as defined in RCW 10.97.030(3) relating to a crime against children or other persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement,

pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree assault of a child; first, second, or third degree rape; first, second, or third degree rape of a child; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; endangerment with a controlled substance; child abuse or neglect as defined in RCW 26.44.020; first or second degree custodial interference; first or second degree custodial sexual misconduct; malicious harassment; first, second, or third degree child molestation; first or second degree sexual misconduct with a minor; patronizing a juvenile prostitute; child abandonment; promoting pornography; selling or distributing erotic material to a minor; custodial assault; violation of child abuse restraining order; child buying or selling; prostitution; felony indecent exposure; criminal abandonment; or any of these crimes as they may be renamed in the future.

(6) "Crimes relating to drugs" means a conviction of a crime to manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

(7) "Crimes relating to financial exploitation" means a conviction for first, second, or third degree extortion; first, second, or third degree theft; first or second degree robbery; forgery; or any of these crimes as they may be renamed in the future.

(8) "Disciplinary board final decision" means any final decision issued by a disciplining authority under chapter 18.130 RCW or the secretary of the department of health for the following businesses or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Massage;
- (e) Midwifery;
- (f) Naturopathy;
- (g) Osteopathic medicine and surgery;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing; and
- (l) Psychology.

"Disciplinary board final decision," for real estate brokers and salespersons, means any final decision issued by the director of the department of licensing for real estate brokers and salespersons.

(9) "Unsupervised" means not in the presence of:

- (a) Another employee or volunteer from the same business or organization as the applicant; or
- (b) Any relative or guardian of any of the children or developmentally disabled persons or vulnerable adults to which the applicant has access during the course of his or her employment or involvement with the business or organization.

(10) "Vulnerable adult" means "vulnerable adult" as defined in chapter 74.34 RCW, except that for the purposes of requesting and receiving background checks pursuant to RCW 43.43.832, it shall also include adults of any age who lack the functional, mental, or physical ability to care for themselves.

(11) "Financial exploitation" means the illegal or improper use of a vulnerable adult or that adult's resources for another person's profit or advantage.

(12) "Agency" means any person, firm, partnership, association, corporation, or facility which receives, provides services to, houses or otherwise cares for vulnerable adults.

NEW SECTION. **Sec. 4.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "substance;" strike the remainder of the title and insert "amending RCW 43.43.830; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.42 RCW; prescribing penalties; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to Substitute House Bill No. 2610 and advanced the bill as amended by the Senate to final passage.

Representatives Darneille and Morell spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2610 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives DeBolt, Sehlin, and Skinner - 3.

Substitute House Bill No. 2610, as amended by the Senate having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 12, 2002

Mr. Speaker:

The Senate has refused to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5949, and asks the House to recede therefrom.

And the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, Second Substitute Senate Bill No. 5949 was returned to second reading for purpose of amendments.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5949, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

Erecting and maintaining motorist information sign panels.

Representative Armstrong moved the adoption of amendment (579):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.36 RCW to read as follows:

(1) When exercising its authority to erect and maintain motorist information sign panels under RCW 47.36.310 and 47.36.320, the department shall contract with a private contractor for a term of ten years. The contractor selected by the department must be incorporated, and must maintain an office, in this state.

(2) The contractor, at no cost to the department, is solely responsible for marketing, administration, financial management, sign fabrication, installation, and maintenance and is subject to the provisions of this chapter otherwise applicable to the department. The contractor may set the market rate to be charged to businesses advertising on the motorist informational signs.

(3) A contract entered into between the department and a contractor must require the contractor to administer, fabricate, install, and maintain community historical signs authorized for placement by the department at no cost to the department.

(4) In department may set the contractual terms it deems necessary to guarantee the performance of the contract. The department shall periodically monitor the performance of the contract.

(5) In letting a contract under this section the department shall comply with purchasing guidelines adopted by the general services administration."

Correct the title.

Representative Armstrong spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Armstrong spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5949, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5949, as amended by the House and the bill passed the House by the following vote: Yeas - 92, Nays - 2, Absent - 0, Excused - 4.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 92.

Voting nay: Representatives Cox, and Schoesler - 2.

Excused: Representatives Ballasiotes, DeBolt, Sehlin, and Skinner - 4.

Second Substitute Senate Bill No. 5949, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2846, by Representatives Romero, Dunshee and Mulliken

Requiring specific funding to implement the buildable lands review and evaluation program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Cairnes spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of House Bill No. 2846.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2846 and the bill passed the House by the following vote: Yeas - 51, Nays - 44, Absent - 0, Excused - 3.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 51.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 44.

Excused: Representatives Ballasiotes, DeBolt, and Skinner - 3.

House Bill No. 2846, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2926, by Representatives Clements and Grant

Establishing the state library in the office of the secretary of state.

The bill was read the second time. There being no objection, Substitute House Bill No. 2926 was substituted for House Bill No. 2926 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2926 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clements, Alexander, Grant and Hankins spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2926.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2926 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Ballasiotes, DeBolt, and Skinner - 3.

Substitute House Bill No. 2926, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2993, by Representatives Linville and Kirby

Modifying water provisions.

The bill was read the second time.

Representative Linville moved the adoption of amendment (584):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 90.54 RCW to read as follows:

The legislature recognizes the critical importance of providing and securing sufficient water to meet the needs of people, farms, and fish. The legislature finds that an effective way to meet the water needs of people, farms, and fish is through strategies developed and implemented at the local watershed level. The objectives of these strategies are to supply water in sufficient quantities to satisfy the following three water resource objectives:

- (1) Providing sufficient water for residential, commercial, and industrial needs;
- (2) Providing sufficient water for productive fish populations; and
- (3) Providing sufficient water for productive agriculture.

The legislature affirms its intent to provide continued support for watershed strategies and provides the tools in this bill to assist local watersheds in meeting these objectives.

NEW SECTION. **Sec. 2.** A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall, through a network of water masters appointed under this chapter, stream patrollers appointed under chapter 90.08 RCW, and other assigned compliance staff to the extent such a network is funded, achieve compliance with the water laws and rules of the state of Washington in the following sequence:

(a) The department shall prepare and distribute technical and educational information to the general public to assist the public in complying with the requirements of their water rights and applicable water laws;

(b) When the department determines that a violation has occurred or is about to occur, it shall first attempt to achieve voluntary compliance. As part of this first response, the department shall offer

information and technical assistance to the person in writing identifying one or more means to accomplish the person's purposes within the framework of the law; and

(c) If education and technical assistance do not achieve compliance the department shall issue a notice of violation, a formal administrative order under RCW 43.27A.190, or assess penalties under RCW 90.03.600 unless the noncompliance is corrected expeditiously or the department determines no impairment or harm.

(2) Nothing in the section is intended to prevent the department of ecology from taking immediate action to cause a violation to be ceased immediately if in the opinion of the department the nature of the violation is causing harm to other water rights or to public resources.

(3) The department of ecology shall to the extent practicable station its compliance personnel within the watershed communities they serve. To the extent practicable, compliance personnel shall be distributed evenly among the regions of the state.

Sec. 3. RCW 90.46.010 and 2001 c 69 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Greywater" means wastewater having the consistency and strength of residential domestic type wastewater. Greywater includes wastewater from sinks, showers, and laundry fixtures, but does not include toilet or urinal waters.

(2) "Land application" means application of treated effluent for purposes of irrigation or landscape enhancement for residential, business, and governmental purposes.

(3) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

(4) "Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for a beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.

(5) "Sewage" means water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such ground water infiltration, surface waters, or industrial wastewater as may be present.

(6) "User" means any person who uses reclaimed water.

(7) "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

(8) "Beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

(9) "Direct recharge" means the controlled subsurface addition of water directly to the ground water basin that results in the replenishment of ground water.

(10) "Ground water recharge criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

(11) "Planned ground water recharge project" means any reclaimed water project designed for the purpose of recharging ground water, via direct recharge or surface percolation.

(12) "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health.

(13) "Streamflow augmentation" means the discharge of reclaimed water to rivers and streams of the state or other surface water bodies, but not wetlands.

(14) "Surface percolation" means the controlled application of water to the ground surface for the purpose of replenishing ground water.

(15) "Wetland or wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands

generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380.

(16) "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or replace natural wetland functions and values. Constructed beneficial use wetlands are considered "waters of the state."

(17) "Constructed treatment wetlands" means those wetlands intentionally constructed on nonwetland sites and managed for the primary purpose of wastewater or storm water treatment. Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state."

(18) "Agricultural industrial process water" means water that has been used for the purpose of ~~((agriculture [agricultural]))~~ agricultural processing and has been adequately and reliably treated, so that as a result of that treatment, it is suitable for other agricultural water use.

(19) "Agricultural processing" means the processing of crops or milk to produce a product primarily for wholesale or retail sale for human or animal consumption, including but not limited to potato, fruit, vegetable, and grain processing.

(20) "Agricultural water use" means the use of water for irrigation and other uses related to the production of agricultural products. These uses include, but are not limited to, construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, and fire control.

(21) "Industrial reuse water" means water that has been used for the purpose of industrial processing and has been adequately and reliably treated so that, as a result of that treatment, it is suitable for other uses.

Sec. 4. RCW 90.46.030 and 1992 c 204 s 4 are each amended to read as follows:

(1) The department of health shall, in coordination with the department of ecology, adopt a single set of standards, procedures, and guidelines on or before August 1, 1993, for the industrial and commercial use of reclaimed water.

(2) The department of health may issue a reclaimed water permit for industrial and commercial uses of reclaimed water to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purposes of use.

(3) The department of health in consultation with the advisory committee established in RCW 90.46.050, shall develop recommendations for a fee structure for permits issued under subsection (2) of this section. Fees shall be established in amounts to fully recover, and not exceed, expenses incurred by the department of health in processing permit applications and modifications, monitoring and evaluating compliance with permits, and conducting inspections and supporting the reasonable overhead expenses that are directly related to these activities. Permit fees may not be used for research or enforcement activities. The department of health shall not issue permits under this section until a fee structure has been established.

(4) A permit under this section for use of reclaimed water may be issued only to a municipal, quasi-municipal, or other governmental entity or to the holder of a waste discharge permit issued under chapter 90.48 RCW.

(5) The authority and duties created in this section are in addition to any authority and duties already provided in law with regard to sewage and wastewater collection, treatment, and disposal for the protection of health and safety of the state's waters. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

(6) The department of health may implement the requirements of this section through the department of ecology by execution of a formal agreement between the departments. Upon execution of such an agreement, the department of ecology may issue reclaimed water permits for industrial and commercial uses of reclaimed water by issuance of permits under chapter 90.48 RCW, and may establish and collect fees as required for permits issued under chapter 90.48 RCW.

Sec. 5. RCW 90.46.130 and 2001 c 69 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, facilities that reclaim water under this chapter shall not impair any existing water right downstream from any freshwater discharge points of such facilities unless compensation or mitigation for such impairment is agreed to by the holder of the affected water right.

(2) Agricultural water use of agricultural industrial process water and use of industrial reuse water under this chapter shall not impair existing water rights within the water source that is the source of supply for the agricultural processing plant or the industrial processing and, if the water source is surface water, the existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on the effective date of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 90.46 RCW to read as follows:

(1) The permit to use industrial reuse water shall be the permit issued under chapter 90.48 RCW to the owner of the plant that is the source of the industrial process water, who may then distribute the water according to provisions in the permit governing the location, rate, water quality, and purpose. In cases where the department of ecology determines that a proposed use may pose a significant risk to public health, the department shall refer the permit application to the department of health for review and consultation.

(2) The owner of the industrial plant who obtains a permit under this section has the exclusive right to the use of any industrial reuse water generated from the plant and to the distribution of such water. Use and distribution of the water by the owner is exempt from the permit requirements of RCW 90.03.250, 90.03.380, 90.44.060, and 90.44.100.

(3) Nothing in this section affects any right to reuse industrial process water in existence on or before the effective date of this section.

Sec. 7. RCW 90.38.020 and 2001 c 237 s 28 are each amended to read as follows:

(1)(a) The department may acquire water rights, including but not limited to storage rights, by purchase, lease, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) ~~If ((an aquatic species is listed as threatened or endangered under federal law for a body of water, or is listed as depressed or threatened by reason of inadequate stream flows under state law, and))~~ the holder of a right to water from ~~((the))~~ a body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing ~~((those))~~ instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section and the other applicable requirements of this chapter and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may make such other arrangements, including entry into contracts with other persons or entities as appropriate to ensure that trust water rights acquired in accordance with this chapter can be exercised to the fullest possible extent.

(3) The trust water rights may be acquired on a temporary or permanent basis.

(4) A water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during the five years before the donation. A water right holder who believes his or her water right has been impaired by a trust water right donated under subsection (1)(b) of this section may request that the department review the impairment claim. If the department determines that exercising the trust water right resulting from the donation or exercising a portion of that trust water right donated under subsection (1)(b) of this section is impairing existing water rights in violation of RCW 90.38.902, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not alter a trust water right

donated under subsection (1)(b) of this section is appealable to the pollution control hearings board under RCW 43.21B.230. A donated water right's status as a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(5) Any water right conveyed to the trust water right system as a gift that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

(6) If the department acquires a trust water right by lease (~~(in an area in which a drought order has been issued under RCW 43.83B.405 and is in effect at the time the department leases the water right)~~), the amount of the trust water right shall not exceed the extent to which the water right was exercised during the five years before the acquisition was made nor may the total of any portion of the water right remaining with the original water right holder plus the portion of the water right leased by the department exceed the extent to which the water right was exercised during the five years before the acquisition. A water right holder who believes his or her water right has been impaired by a trust water right leased under this subsection may request that the department review the impairment claim. If the department determines that exercising the trust water right resulting from the leasing or exercising (~~(of)~~) of a portion of that trust water right leased under this subsection is impairing existing water rights in violation of RCW 90.38.902, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right leased under this subsection is appealable to the pollution control hearings board under RCW 43.21B.230. The department's leasing of a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(7) For a water right donated to or acquired by the trust water rights program on a temporary basis, the full quantity of water diverted or withdrawn to exercise the right before the donation or acquisition shall be placed in the trust water rights program and shall revert to the donor or person from whom it was acquired when the trust period ends.

Sec. 8. RCW 90.42.040 and 2001 c 237 s 30 are each amended to read as follows:

(1) All trust water rights acquired by the state shall be placed in the state trust water rights program to be managed by the department. Trust water rights acquired by the state shall be held or authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems. To the extent practicable and subject to legislative appropriation, trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for such acquisition.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the reach or reaches of the stream, the quantity, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between them the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the

department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

(8) Subsections (4) and (5) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b) or to a trust water right leased under RCW 90.42.080(8) if the period of the lease does not exceed five years. However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.

(9) Where a portion of an existing water right that is acquired or donated to the trust water rights program will assist in achieving established instream flows, the department shall process the change or amendment of the existing right without conducting a review of the extent and validity of the portion of the water right that will remain with the water right holder.

Sec. 9. RCW 90.42.080 and 2001 c 237 s 31 are each amended to read as follows:

(1)(a) The state may acquire all or portions of existing water rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

~~(b) If ((an aquatic species is listed as threatened or endangered under federal law for a body of water, or is listed as depressed or threatened by reason of inadequate stream flow under state law, and))~~ the holder of a right to water from ~~((the))~~ a body of water chooses to donate all or a portion of the person's water right to the trust water system to assist in providing ~~((those))~~ instream flows on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section and the other applicable requirements of this chapter and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) A water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during the five years before the donation. A water right holder who believes his or her water right has been impaired by a trust water right donated under subsection (1)(b) of this section may request that the department review the impairment claim. If the department determines that exercising the trust water right resulting from the donation or exercising a portion of that trust water right donated under subsection (1)(b) of this section is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right donated under subsection (1)(b) of this section is appealable to the pollution control hearings board under RCW 43.21B.230. A donated water right's status as a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to donations for instream flows described in subsection (1)(b) of this section, but do apply to other transfers of water rights under this section.

(6) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(7) Any water right conveyed to the trust water right system as a gift that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

(8) If the department acquires a trust water right by lease (~~(in an area in which a drought order has been issued under RCW 43.83B.405 and is in effect at the time the department leases the water right)~~), the amount of the trust water right shall not exceed the extent to which the water right was exercised during the five years before the acquisition was made nor may the total of any portion of the water right remaining with the original water right holder plus the portion of the water right leased by the department exceed the extent to which the water right was exercised during the five years before the acquisition. A water right holder who believes his or her water right has been impaired by a trust water right leased under this subsection may request that the department review the impairment claim. If the department determines that exercising the trust water right resulting from the leasing or exercising (~~(of)~~) of a portion of that trust water right leased under this subsection is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right leased under this subsection is appealable to the pollution control hearings board under RCW 43.21B.230. The department's leasing of a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(9) For a water right donated to or acquired by the trust water rights program on a temporary basis, the full quantity of water diverted or withdrawn to exercise the right before the donation or acquisition shall be placed in the trust water rights program and shall revert to the donor or person from whom it was acquired when the trust period ends.

Sec. 10. RCW 90.03.370 and 2000 c 98 s 3 are each amended to read as follows:

(1)(a) All applications for reservoir permits (~~(shall be)~~) are subject to the provisions of RCW 90.03.250 through 90.03.320. But the party or parties proposing to apply to a beneficial use the water stored in any such reservoir shall also file an application for a permit, to be known as the secondary permit, which shall be in compliance with the provisions of RCW 90.03.250 through 90.03.320. Such secondary application shall refer to such reservoir as its source of water supply and shall show documentary evidence that an agreement has been entered into with the owners of the reservoir for a permanent and sufficient interest in said reservoir to impound enough water for the purposes set forth in said application. When the beneficial use has been completed and perfected under the secondary permit, the department shall take the proof of the water users under such permit and the final certificate of appropriation shall refer to both the ditch and works described in the secondary permit and the reservoir described in the primary permit. The department may accept for processing a single application form covering both a proposed reservoir and a proposed secondary permit or permits for use of water from that reservoir.

(b) The department shall expedite processing applications for the following types of storage proposals:

(i) Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored;

(ii) Adding or changing one or more purposes of use of stored water;

(iii) Adding to the storage capacity of an existing storage facility; and

(iv) Applications for secondary permits to secure use from existing storage facilities.

(c) A secondary permit for the beneficial use of water shall not be required for use of water stored in a reservoir where the water right for the source of the stored water authorizes the beneficial use.

(2)(a) For the purposes of this section, "reservoir" includes, in addition to any surface reservoir, any naturally occurring underground geological formation where water is collected and stored for subsequent use as part of an underground artificial storage and recovery project. To qualify

for issuance of a reservoir permit an underground geological formation must meet standards for review and mitigation of adverse impacts identified, for the following issues:

- (i) Aquifer vulnerability and hydraulic continuity;
- (ii) Potential impairment of existing water rights;
- (iii) Geotechnical impacts and aquifer boundaries and characteristics;
- (iv) Chemical compatibility of surface waters and ground water;
- (v) Recharge and recovery treatment requirements;
- (vi) System operation;
- (vii) Water rights and ownership of water stored for recovery; and
- (viii) Environmental impacts.

(b) Standards for review and standards for mitigation of adverse impacts for an underground artificial storage and recovery project shall be established by the department by rule. Notwithstanding the provisions of RCW 90.03.250 through 90.03.320, analysis of each underground artificial storage and recovery project and each underground geological formation for which an applicant seeks the status of a reservoir shall be through applicant-initiated studies reviewed by the department.

(3) For the purposes of this section, "underground artificial storage and recovery project" means any project in which it is intended to artificially store water in the ground through injection, surface spreading and infiltration, or other department-approved method, and to make subsequent use of the stored water. However, (a) this subsection does not apply to irrigation return flow, or to operational and seepage losses that occur during the irrigation of land, or to water that is artificially stored due to the construction, operation, or maintenance of an irrigation district project, or to projects involving water reclaimed in accordance with chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of claimed artificial recharge occurring due to the construction, operation, or maintenance of an irrigation district project or operational and seepage losses that occur during the irrigation of land, as well as other forms of claimed artificial recharge already existing at the time a ground water subarea is established.

(4) Nothing in chapter 98, Laws of 2000 changes the requirements of existing law governing issuance of permits to appropriate or withdraw the waters of the state.

(5) The department shall report to the legislature by December 31, 2001, on the standards for review and standards for mitigation developed under subsection (3) of this section and on the status of any applications that have been filed with the department for underground artificial storage and recovery projects by that date.

(6) Where needed to ensure that existing storage capacity is effectively and efficiently used to meet multiple purposes, the department may authorize reservoirs to be filled more than once per year or more than once per season of use.

NEW SECTION. Sec. 11. A new section is added to chapter 43.155 RCW to read as follows:

The water conservation account is created in the custody of the state treasurer. All receipts from federal funding dedicated to water conservation under 16 U.S.C. Sec. 3831 shall be deposited in the account. In addition, the legislature may appropriate money to the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account shall be used for the development and support of water conservation as defined by 16 U.S.C. Sec. 3831. Only the public works board or its designee may make expenditures from the account.

NEW SECTION. Sec. 12. Section 11 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Chandler spoke in favor of passage of the bill.

There being no objection, Representative Ballasiotes was excused.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2993.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2993 and the bill passed the House by the following vote: Yeas - 95, Nays - 0, Absent - 0, Excused - 3.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 95.

Excused: Representatives Ballasiotes, DeBolt, and Skinner - 3.

Engrossed House Bill No. 2993, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3002, by Representatives Cody and Sommers

Concerning the treatment of income and resources for institutionalized persons receiving medical assistance.

The bill was read the second time.

Representative Cody moved the adoption of amendment (577):

On page 1, after line 11, strike all material through line 3 on page 2 and insert the following:
"(2) In the interest of supporting the community spouse the department shall allow the maximum resource allowance amount permissible under the social security act for the community spouse for persons institutionalized before July 1, 2002.

(3) For persons institutionalized on or after July 1, 2002, the department, in the interest of supporting the community spouse, shall allow up to a maximum of thirty thousand dollars in resources for the community spouse. For the fiscal biennium beginning July 1, 2003, and each fiscal biennium thereafter, the maximum resource allowance amount for the community spouse shall be adjusted for economic trends and conditions by increasing the amount allowable by the consumer price index as published by the federal bureau of labor statistics. However, in no case shall the amount allowable exceed the maximum resource allowance permissible under the social security act."

Representatives Cody and Boldt spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Sommers spoke in favor of passage of the bill.

Representatives Boldt, Sehlin and Talcott spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3002.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3002 and the bill passed the House by the following vote: Yeas - 52, Nays - 44, Absent - 0, Excused - 2.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 44.

Excused: Representatives DeBolt, and Skinner - 2.

Engrossed House Bill No. 3002, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3011, by Representatives Fromhold, McIntire and Sommers

Modifying and studying the local effort assistance program.

The bill was read the second time.

Representative Sommers moved the adoption of amendment (582):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the purpose of the local effort assistance program is stated in RCW 28A.500.010 as follows: "The purpose of these funds is to mitigate the effect that above average property tax rates might have on the ability of a school district to raise local revenues to supplement the state's basic program of education. These funds serve to equalize the property tax rates that individual taxpayers would pay for such levies and to provide tax relief to taxpayers in high tax rate school districts."

The legislature further finds that changes in state and federal funding that have taken place since the local effort assistance program began in 1989 make it necessary to reexamine the local effort assistance funding formula and to determine whether the purpose of the program is being fulfilled.

NEW SECTION. Sec. 2. (1) The joint task force on local effort assistance is created, to consist of nineteen members:

(a) Six members of the house of representatives, three appointed by the speaker of the house of representatives and three appointed by the minority leader;

(b) Six members of the senate, three appointed by the majority leader and three appointed by the minority leader;

(c) The superintendent of public instruction;

(d) A member chosen by the Washington state school directors' association;

(e) A member chosen by the Washington association of school administrators;

(f) A member chosen by the rural education center;

(g) A fiscal officer of an educational service district chosen by the superintendent of public instruction in consultation with the superintendents of the educational service districts; and

(h) Two members from school districts with student enrollments greater than twenty thousand, chosen by the office of the superintendent of public instruction.

(2) Legislative members of the task force shall be reimbursed for travel expenses as provided in RCW 44.04.120. The staff of the office of superintendent of public instruction, senate committee services, and the office of program research of the house of representatives shall provide support to the task force.

(3) The task force shall be cochaired by one senator, chosen by the task force, and one representative, chosen by the task force. The task force shall establish rules of procedure at its first meeting.

(4) The task force shall seek input and advice from stakeholders.

NEW SECTION. Sec. 3. The joint task force on local effort assistance shall:

(1) Complete a thorough analysis of the history of the local effort assistance program and its impacts, including a thorough examination of the revenues included in the levy base;

(2) Determine whether the purpose of the local effort assistance program, as stated in RCW 28A.500.010, is being met under the current allocation formula; and

(3) Present its findings and provide recommendations to the legislature by December 1, 2002.

Sec. 4. RCW 28A.500.030 and 1999 c 317 s 3 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act expire December 31, 2002.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Sommers and Cox spoke in favor of the adoption of the amendment.

Representative Talcott spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McIntire, Sommers, McIntire (again), Fromhold and Cox spoke in favor of passage of the bill.

Representatives Sehlin, Woods, Ericksen, Alexander and Talcott spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 3011.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3011 and the bill passed the House by the following vote: Yeas - 62, Nays - 35, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Benson, Berkey, Campbell, Chase, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood and Mr. Speaker - 62.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Crouse, DeBolt, Delvin, Dunn, Ericksen, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Orcutt, Pearson, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, and Woods - 35.

Excused: Representative Skinner - 1.

Engrossed House Bill No. 3011, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6353, by Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Oke and Jacobsen)

Concerning the use of migratory bird stamp and migratory bird validation fees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Appropriations was adopted. (For committee amendments, see Journal, 50th Day, March 4, 2002.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Rockefeller spoke in favor of passage of the bill.

Representatives Sump and Mielke spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6353, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6353, as amended by the House and the bill passed the House by the following vote: Yeas - 53, Nays - 44, Absent - 0, Excused - 1.

Voting yea: Representatives Alexander, Ballasiotes, Berkey, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, Lysen, McDermott, McIntire, Miloscia, Murray, O'Brien, Ogden, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 53.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Linville, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Reardon, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, and Van Luven - 44.

Excused: Representative Skinner - 1.

Second Substitute Senate Bill No. 6353, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 12, 2002

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6704, and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House adhered to its position on Engrossed Substitute Senate Bill No. 6704, and asked the Senate to concur thereon.

MESSAGE FROM THE SENATE

March 12, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1444,
HOUSE BILL NO. 2289,
HOUSE BILL NO. 2352,
HOUSE BILL NO. 2407,
SUBSTITUTE HOUSE BILL NO. 2441,
SUBSTITUTE HOUSE BILL NO. 2541,
SUBSTITUTE HOUSE BILL NO. 2557,
HOUSE BILL NO. 2570,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2574,
SUBSTITUTE HOUSE BILL NO. 2765,
HOUSE BILL NO. 2768,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

HOUSE BILL NO. 2573, by Representatives Schual-Berke, Wood, Doumit, Hunt, Murray, Haigh, Kagi, Berkey, Sullivan, Fisher, Lovick, Jackley, Cooper, Simpson and McDermott

Funding traffic safety education.

The bill was read the second time.

There being no objection, the committee recommendation was not adopted.

With the consent of the House, amendment (328) was withdrawn.

Representative Mielke moved the adoption of amendment (600):

On page 1 line 12 after "~~((five dollar))~~" strike "fifteen dollar" and insert:
"six dollar"

On page 1 line 12 after "fee," strike "plus an additional fifteen dollar fee to fund traffic safety education in the public schools."

On page 2 line 30 after "~~((seven))~~" strike "ten" and insert:
"eight"

On page 2 line 30 after "dollars" strike ", plus an additional fee of fifteen dollars to fund traffic safety education in the public schools"

On page 3 line 36 after "deposit" strike "fifteen dollars" and insert:
"one dollar"

On page 3 line 38 after "and" strike "fifteen dollars" and insert the following:
"one dollar"

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Mielke moved the adoption of amendment (601):

On page 1 line 12 after "~~((five dollar))~~" strike "fifteen dollar" and insert:
"five dollar"

On page 1 line 12 after "fee," strike "plus an additional fifteen dollar fee to fund traffic safety education in the public schools."

On page 2 line 30 after "~~((seven))~~" strike "ten" and insert:

"seven"

On page 2 line 30 after "dollars" strike ", plus an additional fee of fifteen dollars to fund traffic safety education in the public schools"

On page 3 line 29 strike all of Sec. 3 and insert the following:

"**Sec. 3.** RCW 46.68.041 and 1998 c212 s3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund.

(2) Sixty-three percent of each fee collected by the department under RCW 46.20.311(1)(b)(ii), (2)(b)(ii), and (3)(b) shall be deposited in the impaired driving safety account.

(3) The department shall only use fees generated under RCW 46.20.055 and under RCW 46.20.120 to pay for the processing of licenses. These fees shall be used for no other purposes."

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Schual-Berke spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (525) was withdrawn.

Representative Schual-Berke moved the adoption of amendment (588):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.20.055 and 1999 c 274 s 13 are each amended to read as follows:

(1) **Driver's instruction permit.** The department may issue a driver's instruction permit with or without a photograph to an applicant who has successfully passed all parts of the examination other than the driving test, provided the information required by RCW 46.20.091, paid a ~~((five-dollar))~~ fifteen dollar fee, plus an additional fifteen dollar fee to fund traffic safety education in the public schools, and meets the following requirements:

(a) Is at least fifteen and one-half years of age; or

(b) Is at least fifteen years of age and:

(i) Has submitted a proper application; and

(ii) Is enrolled in a traffic safety education program approved and accredited by the superintendent of public instruction that includes practice driving.

~~(2) **Nonphoto permit fee.** An applicant who meets the requirements of subsection (1) of this section other than payment of the five-dollar fee may obtain a driver's instruction permit without a photograph by paying a fee of four dollars.~~

~~((3))~~ **Waiver of written examination for instruction permit.** The department may waive the written examination, if, at the time of application, an applicant is enrolled in:

(a) A traffic safety education course as defined by RCW 28A.220.020(2); or

(b) A course of instruction offered by a licensed driver training school as defined by RCW 46.82.280(1).

The department may require proof of registration in such a course as it deems necessary.

~~((4))~~ **(3) Effect of instruction permit.** A person holding a driver's instruction permit may drive a motor vehicle, other than a motorcycle, upon the public highways if:

(a) The person has immediate possession of the permit; and

(b) An approved instructor, or a licensed driver with at least five years of driving experience, occupies the seat beside the driver.

~~((5))~~ (4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

Sec. 2. RCW 46.20.120 and 1999 c 308 s 1 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) **Waiver.** The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) **Fee.** Each applicant for a new license must pay an examination fee of ~~((seven))~~ ten dollars, plus an additional fee of fifteen dollars to fund traffic safety education in the public schools.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.

(3) A person whose license expired or will expire on or after January 1, 1998, while he or she was or is living outside the state may:

(a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;

(b) Apply to the department to renew his or her license by mail. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail. If a person qualifies for a mail-in renewal he or she is not required to pass an examination nor provide an updated photograph. He or she must, however, pay the fee required by RCW 46.20.181 plus an additional five-dollar mail-in renewal fee. A license renewed by mail that does not include a photograph of the licensee must be labeled "not valid for identification purposes."

(4) If a person's driver's license is extended or renewed under subsection (3) of this section while he or she is outside the state, he or she must submit to the examination required under this section within sixty days of returning to this state. The department will not assess a penalty or examination fee for the examination.

Sec. 3. RCW 46.68.041 and 1998 c 212 s 3 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section, t))~~The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer ~~((who shall deposit such moneys to the credit of the highway safety fund))~~.

(2) The state treasurer shall deposit fifteen dollars of each driver's instruction permit fee collected under the provisions of RCW 46.20.055(1) and fifteen dollars of each driver's license examination fee collected under the provisions of RCW 46.20.120(2) to the credit of the public safety and education account for use in traffic safety education in public schools.

(3) The state treasurer shall deposit ((S))sixty-three percent of each fee collected by the department under RCW 46.20.311 (1)(b)(ii), (2)(b)(ii), and (3)(b) ((shall be deposited in)) to the credit of the impaired driving safety account.

(4) The state treasurer shall deposit the remainder of the funds collected under subsections (1), (2) and (3) of this section to the credit of the highway safety fund.

NEW SECTION. Sec. 4. This act takes effect on July 1, 2002."

Representative Schual-Berke spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schual-Berke and Hankins spoke in favor of passage of the bill.

Representatives Mielke, Ericksen and Morell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 2573.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2573 and the bill passed the House by the following vote: Yeas - 58, Nays - 38, Absent - 0, Excused - 2.

Voting yea: Representatives Anderson, Ballasiotes, Berkey, Campbell, Chase, Cody, Conway, Cooper, Cox, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods and Mr. Speaker - 58.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, and Van Luven - 38.

Excused: Representatives Benson, and Skinner - 2.

Engrossed House Bill No. 2573, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2451, by Representatives Fisher, Chase and Ogden; by request of Governor Locke

Making supplemental transportation appropriations.

The bill was read the second time. There being no objection, Substitute House Bill No. 2451 was substituted for House Bill No. 2451 and the substitute bill was placed on the second reading calendar.

Substitute House Bill No. 2451 was read the second time.

With the consent of the House, amendments (531) and (571) were withdrawn.

Representative Bush moved the adoption of amendment (570):

On page 5, line 28, before "\$368,000" insert "(1)"

On page 5, after line 29, insert:

"(2) \$15,000,000 of the rural arterial trust account--state is provided solely for the construction of Canyon Road east from 192nd street east to 224th street east."

Representative Bush spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Ericksen moved the adoption of amendment (536):

On page 9, after line 15, insert the following:

"(3) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project.

The working group shall report its findings to the full committee by December 15, 2002."

Representatives Ericksen, Cooper and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Dunshee moved the adoption of amendment (550):

On page 9, after line 26, insert the following:

"**Sec. 209.** 2001 2nd sp.s. c 14 s 207 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation \$ 773,000

The appropriation in this section is subject to the following conditions and limitations: The commission shall exercise its authority to commence proceedings to name state route No. 99 the William P. Stewart Memorial Highway."

Renumber the remaining sections consecutively, correct internal references accordingly, and correct the title.

Representative Dunshee spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Schmidt moved the adoption of amendment (553):

On page 15, after line 23, insert the following:

"(6) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production."

Representative Schmidt and Simpson spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Simpson moved the adoption of amendment (567):

On page 15, after line 23, insert the following:

"(6) The department shall work cooperatively with the Washington state council of firefighters to develop and make available a firefighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of firefighters. The department shall charge a fee for the stickers sufficient to defray the costs of production."

Representative Simpson, Fisher, Campbell and Cooper spoke in favor of the adoption of the amendment.

Representative Mitchell spoke against the adoption of the amendment.

The amendment was adopted.

Representative Fisher moved the adoption of amendment (538):

On page page 18, line 27, after "status." insert "Appropriations shall initially be allotted as appropriated in this act."

On page 18, line 29, after "commission" insert "and the director of financial management"

On page 21, line 9, after "status." insert "Appropriations shall initially be allotted as appropriated in this act."

On page 21, line 11, after "commission" insert "and the director of financial management"

On page 31, line 19, after "status." insert "Appropriations shall initially be allotted as appropriated in this act."

On page 31, line 21, after "commission" insert "and the director of financial management"

On page 18, line 11, after "~~(\$391,637,000)~~" strike "310,364,000" and insert "330,364,000"

On page 25, line 24, before "in" strike "\$50,000,000" and insert "~~(\$50,000,000)~~
\$53,440,000"

On page 21, line 20, strike "31,884,000" and insert "32,402,000"

On page 21, line 24, strike "32,009,000" and insert "32,527,000"

On page 35, line 32, before "Motor", strike "~~((+))~~" and insert "(1)"

Beginning on page 35, line 36, strike:

~~"((2) Advanced Right of Way Revolving Account Appropriation:
For transfer to the Motor Vehicle Fund — \$ 15,000,000))"~~

and insert:

"(2) Advanced Right of Way Revolving Account Appropriation:
For transfer to the Motor Vehicle Fund \$ 15,000,000"

Representative Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Bush moved the adoption of amendment (568):

On page 19, after line 3, insert the following:

"(8) \$23,000,000 of the motor vehicle account--state appropriation is provided solely for engineering, right-of-way acquisition, and construction of the Yelm bypass."

Representative Bush spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative moved the adoption of amendment (574):

On page 19, after line 3, insert the following:

"(8) \$22,000,000 of the motor vehicle account--state appropriation is provided solely for design, right-of-way acquisition, and construction for adding two lanes to state route 7 from two hundred twenty-fourth street to two hundred and sixtieth street."

Representative Bush spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Bush moved the adoption of amendment (569):

On page 19, after line 3, insert the following:

"(8) \$10,000,000 of the motor vehicle account--state appropriation is provided solely for engineering, right-of-way acquisition, and construction of an additional lane on state route 162 from Orting to state route 410."

Representative Bush spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Anderson moved the adoption of amendment (532):

On page 19, after line 3, insert the following:

"(8) \$6,012,000 of the motor vehicle account--state appropriation is provided solely for right-of-way and construction for the state route 202 widening project between state route 520 and Sahalee way."

Representatives Anderson and Pflug spoke in favor of the adoption of the amendment.

Representative Fisher spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Morell moved the adoption of amendment (537):

On page 19, after line 3, insert the following:

"(8) \$140,000 of the motor vehicle account--state appropriation is provided solely for beginning construction on the new state route 167 north sumner interchange."

Representatives Morell and Roach spoke in favor of the adoption of the amendment.

Representatives Fisher and Mitchell spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (540) was withdrawn.

Representative Murray moved the adoption of amendment (599):

On page 21, after line 14, insert the following:

"(7)The department of transportation, with approval of the transportation commission, shall expend funds appropriated under this section on the Alaska Way viaduct. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures."

Representative Murray spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Fisher moved the adoption of amendment (602):

On page 21, after line 14, insert the following:

"(7)The department of transportation, with approval of the transportation commission, shall expend up to \$3,000,000 of the motor vehicle account--state appropriation on the incident response program. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures."

Representatives Fisher, Mitchell and Armstrong spoke in favor of the adoption of the amendment.

Representative Mielke spoke against the adoption of the amendment.

The amendment was adopted.

Representative Fisher moved the adoption of amendment (539):

On page 26, line 17, strike "310,932,000" and insert "311,312,000"

Representative Fisher spoke in favor of the adoption of the amendment.

The amendment was adopted.

With the consent of the House, amendment (531) was withdrawn.

Representative Nixon moved the adoption of amendment (533):

On page 28, line 10, after "legislature." insert the following:

"The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena."

Representative Nixon and Cooper spoke in favor of the adoption of the amendment.

Representative Wood demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (533) to Substitute House Bill No. 2451.

ROLL CALL

The Clerk called the roll on the adoption of amendment (533) to Substitute House Bill No. 2451, and the amendment was adopted by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Representative Fisher moved the adoption of amendment (541):

On page 28, line 34, after "activity:" insert the following:

"(1)"

On page 28, after line 36, insert the following:

"(2) The entire Washington fruit express account is provided solely to promote the shipment of a variety of agricultural products, including but not limited to, apples, pears, and potatoes."

Representatives Fisher and Mitchell spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher, Mitchell, Mielke and Cooper spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2451.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2451 and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Anderson, Cox, Esser, Hunt, Morris, Nixon, Pflug, Roach, Romero, and Schoesler - 10.

Excused: Representative Skinner - 1.

Engrossed Substitute House Bill No. 2451, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6814, by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Revising transportation fees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For committee amendments, see Journal, 50th Day, March 4, 2002.)

Representative Hankins moved the adoption of amendment (561):

On page 8 line 32 after "fee" strike "of thirty dollars" and insert:
"of fifteen dollars"

On page 11 line 31 after "~~((seven))~~" strike "twenty-four" and insert:
"ten"

On page 26 after line 5 strike all of Sec. 29.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Hankins spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Wood, Hankins and Mitchell spoke in favor of passage of the bill.

Representative Mielke, Boldt and Holmquist spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6814, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6814, as amended by the House and the bill passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, Woods and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, and Van Luven - 41.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 6814, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 12, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5236,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6641,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6439,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate has receded from its amendment to ENGROSSED HOUSE BILL NO. 2723 and passed the bill without said amendments, and the same is herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 6351,
SUBSTITUTE SENATE BILL NO. 6439,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 6828,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed HOUSE CONCURRENT RESOLUTION NO. 4427, with the following amendments:

On page 1, after line 3, strike all material through "(water)." on line 14 and insert the following:

"NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8424 shall not apply to budgets, matters necessary to implement budgets, transportation, and Senate Bill No. 5082 (rural counties), House Bill No. 2846 (buildable lands review and evaluation

program), Senate Bill No. 6368 (prescription drugs), Senate Bill No. 6383 (retirement options), House Bill No. 2573 (traffic safety education), House Bill No. 2901 (unemployment insurance), House Bill No. 2950 (local government finance), House Bill No. 3010 (pension policy committee), House Bill No. 2896 (pension portability), House Bill No. 2732 (hospital business and occupation tax), Senate Bill No. 6762, House Bill No. 2993 (water), House Bill No. 2632 (higher education retirement), Senate Bill No. 5965 (real estate excise tax for housing), House Bill No. 2697 (growth management/economic development), House Bill No. 3029 (keno on-line games), Senate Bill No. 6252, Senate bill No. 6564, Senate Bill No. 6431, Senate Bill No. 6251, and Senate Bill No. 6749."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Concurrent Resolution No. 4427 and advanced the concurrent resolution as amended by the Senate to final adoption.

House Concurrent Resolution No. 4427 was adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671 to second reading for purpose of amendments. The Senate further adopted the following amendment and passed the measure as amended"

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the health and safety of its citizens, natural resources, and the environment are vital interests of the state that must be protected to preserve the state's quality of life. The legislature also finds that the state's economic well-being is a vital interest that depends upon the development of fair, coordinated environmental permitting processes that ensure that the state not only protects natural resources but also encourages appropriate activities that stimulate growth and development. The legislature further finds that Washington's environmental protection programs have established strict standards to reduce pollution and protect public health and safety and the environment.

(2) The legislature also finds that, as the number of environmental and land use laws have grown in Washington, so have the number of permits required of business and government. The increasing number of individual permits and permit agencies has generated the potential for conflict, overlap, and duplication among various state, local, and federal permits. Lack of coordination in the processing of project applications may cause costly delays and frustration to applicants.

(3) The legislature further finds that not all project applicants require the same type of assistance. Applicants with small projects may merely need information about local and state permits and assistance in applying for those permits, while intermediate-sized projects may require a facilitated permit process, and large complex projects may need extensive coordination among local, state, and federal agencies and tribal governments.

(4) The legislature, therefore, finds that a range of assistance and coordination options should be available to project applicants from a state office independent of any local, state, or federal permit agency. The legislature finds that citizens, businesses, and project applicants should be provided with:

(a) A reliable and consolidated source of information concerning federal, state, and local environmental and land use laws and procedures that may apply to any given project;

(b) Facilitated interagency forums for discussion of significant issues related to the multiple permitting processes if needed for some project applicants; and

(c) Active coordination of all applicable regulatory and land use permitting procedures if needed for some project applicants.

(5) The legislature declares that the purpose of this chapter is to transfer the existing permit assistance center in the department of ecology to a new office of permit assistance in the office of financial management to:

(a) Assure that citizens, businesses, and project applicants will continue to be provided with vital information regarding environmental and land use laws and with assistance in complying with environmental and land use laws to promote understanding of these laws and to protect public health and safety and the environment;

(b) Ensure that facilitation of project permit decisions by permit agencies promotes both process efficiency and environmental protection;

(c) Allow for coordination of permit processing for large projects upon project applicants' request and at project applicants' expense to promote efficiency, ensure certainty, and avoid conflicts among permit agencies; and

(d) Provide these services through an office independent of any permit agency to ensure that any potential or perceived conflicts of interest related to providing these services or making permit decisions can be avoided.

(6) The legislature intends that establishing an office of permit assistance will provide these services without abrogating or limiting the authority of any permit agency to make decisions on permits that it issues. The legislature therefore declares that the office of permit assistance shall have authority to provide these services but shall not have any authority to make decisions on permits.

NEW SECTION. Sec. 2. (1) The office of permit assistance is created in the office of financial management and shall be administered by the office of the governor to assist citizens, businesses, and project applicants.

(2) The office shall:

(a) Maintain and furnish information as provided in section 5 of this act;

(b) Furnish facilitation as provided in section 6 of this act;

(c) Furnish coordination as provided in section 7 of this act;

(d) Coordinate cost reimbursement as provided in section 8 of this act;

(e) Work with state agencies and local governments to continue to develop a range of permit assistance options for project applicants;

(f) Review initiatives developed by the transportation permit efficiency and accountability committee established in chapter 47.06C RCW and determine if any would be beneficial if implemented for other types of projects;

(g) Work to develop informal processes for dispute resolution between agencies and permit applicants;

(h) Conduct customer surveys to evaluate its effectiveness; and

(i) Provide the following biennial reports to the governor and the appropriate committees of the legislature:

(i) A performance report, based on the customer surveys required in (h) of this subsection;

(ii) A report on any statutory or regulatory conflicts identified by the office in the course of its duties that arise from differing legal authorities and roles of agencies and how these were resolved. The report may include recommendations to the legislature and to agencies; and

(iii) A report regarding use of outside independent consultants under section 8 of this act, including the nature and amount of work performed and implementation of requirements relating to costs.

(3) The office shall give priority to furnishing assistance to small projects when expending general fund moneys allocated to it.

NEW SECTION. Sec. 3. (1) The office shall operate on the principle that citizens of the state of Washington should receive the following information regarding permits:

- (a) A date and time for a decision on a permit;
 - (b) The information required for an agency to make a decision on a permit, recognizing that changes in the project or other circumstances may change the information required; and
 - (c) An estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the project applicant.
- (2) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

NEW SECTION. Sec. 4. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Office" means the office of permit assistance in the office of financial management established in section 2 of this act.
- (2) "Permit" means any permit, certificate, use authorization, or other form of governmental approval required in order to construct or operate a project in the state of Washington.
- (3) "Permit agency" means any state or local agency authorized by law to issue permits.
- (4) "Project" means any activity, the conduct of which requires a permit or permits from one or more permit agencies.
- (5) "Project applicant" means a citizen, business, or any entity seeking a permit or permits in the state of Washington.

NEW SECTION. Sec. 5. The office shall assist citizens, businesses, and project applicants by maintaining and furnishing information, including, but not limited to:

- (1) To the extent possible, compiling and periodically updating one or more handbooks containing lists and explanations of permit laws, including all relevant local, state, federal, and tribal laws. In providing this information, the office shall seek the cooperation of relevant local, state, and federal agencies and tribal governments;
- (2) Establishing and providing notice of a point of contact for obtaining information;
- (3) Working closely and cooperatively with the business license center in providing efficient and nonduplicative service;
- (4) Collecting and making available information regarding federal, state, local, and tribal government programs that rely on private professional expertise to assist agencies in project permit review; and
- (5) Developing a call center and a web site.

NEW SECTION. Sec. 6. At the request of a project applicant, the office shall assist the project applicant in determining what regulatory requirements, processes, and permits apply to the project, as provided in this section.

- (1) The office shall assign a project facilitator who shall discuss applicable regulatory requirements, permits, and processes with the project applicant and explain the available options for obtaining required permits.
- (2) If the project applicant and the project facilitator agree that the project would benefit from a project scoping, the project facilitator shall conduct a project scoping by the project applicant and the relevant state and local permit agencies. The project facilitator shall invite the participation of the relevant federal permit agencies and tribal governments.
 - (a) The purpose of the project scoping is to identify the issues and information needs of the project applicant and the participating permit agencies regarding the project, share perspectives, and jointly develop a strategy for the processing of required permits by each participating permit agency.
 - (b) The scoping shall address:
 - (i) The permits that are required for the project;
 - (ii) The permit application forms and other application requirements of the participating permit agencies;
 - (iii) The specific information needs and issues of concern of each participant and their significance;

(iv) Any statutory or regulatory conflicts that might arise from the differing authorities and roles of the permit agencies;

(v) Any natural resources, including federal or state listed species, that might be adversely affected by the project and might cause an alteration of the project or require mitigation; and

(vi) The anticipated time required for permit decisions by each participating permit agency, including the time required to determine if the permit application is complete, to conduct environmental review, and to review and process the application. In determining the time required, full consideration must be given to achieving the greatest possible efficiencies through any concurrent studies and any consolidated applications, hearings, and comment periods.

(c) The outcome of the project scoping shall be documented in writing, furnished to the project applicant, and be made available to the public.

(d) The project scoping shall be completed within sixty days of the project applicant's request for a project scoping.

(e) Upon completion of the project scoping, the participating permit agencies shall proceed under their respective authority. The agencies are encouraged to remain in communication for purposes of coordination until their final permit decisions are made.

(3) This section does not create an independent cause of action, affect any existing cause of action, or establish time limits for purposes of RCW 64.40.020.

NEW SECTION. Sec. 7. (1) The office may coordinate the processing by participating permit agencies of permits required for a project, at the request of the project applicant through a cost reimbursement agreement as provided in subsection (3) of this section or with the agreement of the project applicant as provided in subsection (4) of this section.

(2) The office shall assign a project coordinator to perform any or all of the following functions, as specified by the terms of a cost reimbursement agreement under subsection (3) of this section or an agreement under subsection (4) of this section:

(a) Serve as the main point of contact for the project applicant;

(b) Conduct a project scoping as provided in section 6(2) of this act;

(c) Verify that the project applicant has all the information needed to complete applications;

(d) Coordinate the permit processes of the permit agencies;

(e) Manage the applicable administrative procedures;

(f) Work to assure that timely permit decisions are made by the permit agencies and maintain contact with the project applicant and the permit agencies to ensure adherence to schedules;

(g) Assist in resolving any conflict or inconsistency among permit requirements and conditions; and

(h) Coordinate with relevant federal permit agencies and tribal governments to the extent possible.

(3) At the request of a project applicant and as provided in section 8 of this act, the project coordinator shall coordinate negotiations among the project applicant, the office, and participating permit agencies to enter into a cost reimbursement agreement and shall coordinate implementation of the agreement, which shall govern coordination of permit processing by the participating permit agencies.

(4) The office may determine that it is in the public interest to coordinate the processing of permits for certain projects that are complex in scope, require multiple permits, involve multiple jurisdictions, or involve a significant number of affected parties. Upon such a determination, the office may enter into an agreement with the project applicant and the participating permit agencies to coordinate the processing of permits for the project. The office may limit the number of such agreements according to the resources available to the office and the permit agencies at the time.

NEW SECTION. Sec. 8. (1) The office may coordinate negotiation and implementation of a written agreement among the project applicant, the office, and participating permit agencies to recover from the project applicant the reasonable costs incurred by the office in carrying out the provisions of sections 6(2) and 7(2) of this act and by participating permit agencies in carrying out permit processing tasks specified in the agreement.

(2) The office may coordinate negotiation and implementation of a written agreement among the project applicant, the office, and participating permit agencies to recover from the project applicant the reasonable costs incurred by outside independent consultants selected by the office and participating permit agencies to perform permit processing tasks.

(3) Outside independent consultants may only bill for the costs of performing those permit processing tasks that are specified in a cost reimbursement agreement under this section. The billing process shall provide for accurate time and cost accounting and may include a billing cycle that provides for progress payments.

(4) The office shall adopt a policy to coordinate cost reimbursement agreements with outside independent consultants. Cost reimbursement agreements coordinated by the office under this section must be based on competitive bids that are awarded for each agreement from a prequalified consultant roster.

(5) Independent consultants hired under a cost reimbursement agreement, shall report directly to the permit agency. The office shall assure that final decisions are made by the permit agency and not by the consultant.

(6) The office shall develop procedures for determining, collecting, and distributing cost reimbursement for carrying out the provisions of this chapter.

(7) For a cost reimbursement agreement, the office and participating permit agencies shall negotiate a work plan and schedule for reimbursement. Prior to distributing scheduled reimbursement to the agencies, the office shall verify that the agencies have met the obligations contained in their work plan.

(8) Prior to commencing negotiations with the project applicant for a cost reimbursement agreement, the office shall request work load analyses from each participating permitting agency. These analyses shall be available to the public. The work load of a participating permit agency may only be modified with the concurrence of the agency and if there is both good cause to do so and no significant impact on environmental review.

(9) The office shall develop guidance to ensure that, in developing cost reimbursement agreements, conflicts of interest are eliminated.

(10) For project permit processes that it coordinates, the office shall coordinate the negotiation of all cost reimbursement agreements executed under RCW 43.21A.690, 43.30.420, 43.70.630, 43.300.080, and 70.94.085. The office and the permit agencies shall be signatories to the agreements. Each permit agency shall manage performance of its portion of the agreement.

(11) If a permit agency or the project applicant foresees, at any time, that it will be unable to meet its obligations under the cost reimbursement agreement, it shall notify the office and state the reasons. The office shall notify the participating permit agencies and the project applicant and, upon agreement of all parties, adjust the schedule, or, if necessary, coordinate revision of the work plan.

NEW SECTION. Sec. 9. (1) There is established the permit assistance advisory council. The council shall:

(a) Assess the performance of the office;
(b) Review customer surveys conducted by the office to determine the effectiveness of the office; and
(c) Make recommendations for improving the performance of the office in carrying out the provisions of this chapter.

(2) The council shall be composed of eleven members.

(a) The governor shall appoint seven members, who shall reflect geographical balance and the diversity of population within Washington state. The governor shall include representation from business, the environmental community, agriculture, port districts, counties, cities, and the tribes.

(b) Two members shall be members of the senate selected by the president of the senate with one member selected from each caucus in the senate, and two members shall be members of the house of representatives selected by the speaker of the house of representatives with one member selected from each caucus in the house of representatives. The legislative members shall be nonvoting members of the council.

(3) Nonlegislative members shall serve four-year terms. Of the initial members appointed to the council, two shall serve for two years, two shall serve for three years, and three shall serve for four years. Thereafter members shall be appointed to four-year terms.

(4) Vacancies shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the position being vacated.

(5) Nonlegislative members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed as provided in RCW 44.04.120.

(6) The council shall elect a chair and a vice-chair from the voting members. The chair and vice-chair shall serve a term of one year.

(7) The council shall meet at least four times per year.

NEW SECTION. Sec. 10. (1) The powers, duties, and functions of the permit assistance center at the department of ecology are transferred to the office created in section 2 of this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of ecology pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the office. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of ecology in carrying out the powers, functions, and duties transferred shall be made available to the office. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the office.

(b) Any appropriations made to the department of ecology for carrying out the powers, functions, and duties transferred shall, on June 30, 2002, be transferred and credited to the office.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the department of ecology pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the office. All existing contracts and obligations shall remain in full force and shall be performed by the office.

(4) The transfer of the powers, duties, and functions of the permit assistance center shall not affect the validity of any act performed before the effective date of this act.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 11. Nothing in this chapter affects the jurisdiction of the energy facility site evaluation council under chapter 80.50 RCW.

NEW SECTION. Sec. 12. (1) Nothing in this chapter shall be construed to abrogate or diminish the functions, powers, or duties granted to any permit agency by law.

(2) Nothing in this chapter grants the office authority to decide if a permit shall be issued. The authority for determining if a permit shall be issued shall remain with the permit agency.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

The office of permit assistance established in section 2 of this act and its powers and duties shall be terminated June 30, 2007, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2008:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;
- (11) Section 11 of this act; and
- (12) Section 12 of this act.

NEW SECTION. **Sec. 15.** The joint legislative and audit review committee shall work within its existing resources in conducting the sunset review for the office of permit assistance.

NEW SECTION. **Sec. 16.** Sections 1 through 12 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. **Sec. 17.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "ecology;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to Engrossed Second Substitute House Bill No. 2671 and advanced the bill as amended by the Senate to final passage.

Representatives Schoesler and Doumit spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2671 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach,

Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Mielke, and Mulliken - 2.

Excused: Representative Skinner - 1.

Engrossed Second Substitute House Bill No. 2671, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate receded from its amendments to HOUSE BILL NO. 2380, and under suspension of the rules returned HOUSE BILL NO 2380 to second reading for purpose of amendments. The Senate further adopted the following amendment and passed the measure as amended.

On page 2, after line 34, insert the following:

"**Sec. 2.** RCW 13.40.040 and 1999 c 167 s 2 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order;

and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself; or

(iii) The juvenile is a threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Notwithstanding subsection (2) of this section, and within available funds, a juvenile who has been found guilty of one of the following offenses shall be detained pending disposition: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a child in the first degree (RCW 9A.44.073).

(4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

~~((4))~~ (5) Except as provided in RCW 9.41.280, a juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at

any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "to" strike all material through "72.01.410;" on line 2, and insert "children offenders; amending RCW 72.01.410 and 13.40.040;"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to House Bill No. 2380 and advanced the bill as amended by the Senate to final passage.

Representative Dickerson spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2380 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

House Bill No. 2380, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate receded from its amendments to SECOND SUBSTITUTE HOUSE BILL NO. 2867, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 2867 to second reading for purpose of amendments. The Senate further adopted the following amendments and passed the measure as amended:

On page 2, after line 34, insert the following:

"Sec. 2. RCW 13.40.040 and 1999 c 167 s 2 are each amended to read as follows:

(1) A juvenile may be taken into custody:

(a) Pursuant to a court order if a complaint is filed with the court alleging, and the court finds probable cause to believe, that the juvenile has committed an offense or has violated terms of a disposition order or release order; or

(b) Without a court order, by a law enforcement officer if grounds exist for the arrest of an adult in identical circumstances. Admission to, and continued custody in, a court detention facility shall be governed by subsection (2) of this section; or

(c) Pursuant to a court order that the juvenile be held as a material witness; or

(d) Where the secretary or the secretary's designee has suspended the parole of a juvenile offender.

(2) A juvenile may not be held in detention unless there is probable cause to believe that:

(a) The juvenile has committed an offense or has violated the terms of a disposition order;

and

(i) The juvenile will likely fail to appear for further proceedings; or

(ii) Detention is required to protect the juvenile from himself or herself; or

(iii) The juvenile is a threat to community safety; or

(iv) The juvenile will intimidate witnesses or otherwise unlawfully interfere with the administration of justice; or

(v) The juvenile has committed a crime while another case was pending; or

(b) The juvenile is a fugitive from justice; or

(c) The juvenile's parole has been suspended or modified; or

(d) The juvenile is a material witness.

(3) Notwithstanding subsection (2) of this section, and within available funds, a juvenile who has been found guilty of one of the following offenses shall be detained pending disposition: Rape in the first or second degree (RCW 9A.44.040 and 9A.44.050); or rape of a child in the first degree (RCW 9A.44.073).

(4) Upon a finding that members of the community have threatened the health of a juvenile taken into custody, at the juvenile's request the court may order continued detention pending further order of the court.

~~((4))~~ (5) Except as provided in RCW 9.41.280, a juvenile detained under this section may be released upon posting a probation bond set by the court. The juvenile's parent or guardian may sign for the probation bond. A court authorizing such a release shall issue an order containing a statement of conditions imposed upon the juvenile and shall set the date of his or her next court appearance. The court shall advise the juvenile of any conditions specified in the order and may at any time amend such an order in order to impose additional or different conditions of release upon the juvenile or to return the juvenile to custody for failing to conform to the conditions imposed. In addition to requiring the juvenile to appear at the next court date, the court may condition the probation bond on the juvenile's compliance with conditions of release. The juvenile's parent or guardian may notify the court that the juvenile has failed to conform to the conditions of release or the provisions in the probation bond. If the parent notifies the court of the juvenile's failure to comply with the probation bond, the court shall notify the surety. As provided in the terms of the bond, the surety shall provide notice to the court of the offender's noncompliance. A juvenile may be released only to a responsible adult or the department of social and health services. Failure to appear on the date scheduled by the court pursuant to this section shall constitute the crime of bail jumping."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "to" strike all material through "72.01.410;" on line 2, and insert "children offenders; amending RCW 72.01.410 and 13.40.040;"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to Second Substitute House Bill No. 2867 and advanced the bill as amended by the Senate to final passage.

Representatives Schoesler and Dunshee spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2867 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

Second Substitute House Bill No. 2867, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 12, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2444, with the following amendments:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.120 and 2001 c 319 s 8 are each amended to read as follows:

Each adult family home provider and each resident manager shall have the following minimum qualifications:

(1) Twenty-one years of age or older;
(2) For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, a United States high school diploma or general educational development (GED) certificate or any English or translated government documentation of the following:

(a) Successful completion of government-approved public or private school education in a foreign country that includes an annual average of one thousand hours of instruction over twelve years or no less than twelve thousand hours of instruction;

(b) A foreign college, foreign university, or United States community college two-year diploma;

(c) Admission to, or completion of coursework at, a foreign university or college for which credit was granted;

(d) Admission to, or completion of coursework at, a United States college or university for which credits were awarded;

(e) Admission to, or completion of postgraduate coursework at, a United States college or university for which credits were awarded; or

(f) Successful passage of the United States board examination for registered nursing, or any professional medical occupation for which college or university education preparation was required;

(3) Good moral and responsible character and reputation;

(4) Literacy in the English language, however, a person not literate in the English language may meet the requirements of this subsection by assuring that there is a person on staff and available who is able to communicate or make provisions for communicating with the resident in his or her primary language and capable of understanding and speaking English well enough to be able to respond appropriately to emergency situations and be able to read and understand resident care plans;

(5) Management and administrative ability to carry out the requirements of this chapter;

(6) Satisfactory completion of department-approved basic training and continuing education training as specified by the department in rule, based on recommendations of the community long-term care training and education steering committee and working in collaboration with providers, consumers, caregivers, advocates, family members, educators, and other interested parties in the rule-making process;

(7) Satisfactory completion of department-approved, or equivalent, special care training before a provider may provide special care services to a resident;

(8) Not been convicted of any crime listed in RCW 43.43.830 and 43.43.842; and

(9) ~~((Registered with the department of health; and~~

~~(10)))~~ For those applying after September 1, 2001, to be licensed as providers, and for resident managers whose employment begins after September 1, 2001, at least three hundred twenty hours of successful, direct caregiving experience obtained after age eighteen to vulnerable adults in a licensed or contracted setting prior to operating or managing an adult family home.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) RCW 18.48.010 (Definitions) and 1996 c 81 s 2 & 1995 c 260 s 7;

(2) RCW 18.48.020 (Registration) and 2000 c 93 s 5, 1996 c 81 s 4, & 1995 c 260 s 8;

(3) RCW 18.48.030 (Application of uniform disciplinary act) and 1995 c 260 s 9;

(4) RCW 18.48.050 (Elder care--Professionalization of providers) and 1998 c 272 s 7; and

(5) RCW 18.48.060 (Advisory committee--Composition--Vacancies--Meetings--Travel expenses--Civil immunity) and 2000 c 171 s 18 & 1998 c 272 s 8.

Sec. 3. RCW 70.128.220 and 1998 c 272 s 9 are each amended to read as follows:

Adult family homes have developed rapidly in response to the health and social needs of the aging population in community settings, especially as the aging population has increased in proportion to the general population. The growing demand for elder care with a new focus on issues affecting senior citizens, including persons with developmental disabilities, mental illness, or dementia, has prompted a growing professionalization of adult family home providers to address quality care and quality of life issues consistent with standards of accountability and regulatory safeguards for the health and safety of the residents. The establishment of an advisory committee to the ~~((department of health and the))~~ department of social and health services under ~~((RCW 18.48.060))~~ section 4 of this act formalizes a stable process for discussing and considering these issues among residents and their advocates, regulatory officials, and adult family home providers. The dialogue among all stakeholders interested in maintaining a healthy option for the aging population in community settings assures the highest regard for the well-being of these residents within a benign and functional regulatory environment. The secretary shall be advised by an advisory committee on adult family homes established under ~~((RCW 18.48.060))~~ section 4 of this act.

~~((Establishment of the advisory committee shall not prohibit the department of social and health services from utilizing other advisory activities that the department of social and health services deems necessary for program development.))~~

NEW SECTION. Sec. 4. A new section is added to chapter 70.128 RCW to read as follows:

(1) In an effort to ensure a cooperative process among the department, adult family home provider representatives, and resident and family representatives on matters pertaining to the adult family home program, the secretary, or his or her designee, shall designate an advisory committee. The advisory committee must include: Representatives from the industry including four adult family home providers, at least two of whom are affiliated with recognized adult family home associations;

one representative from the state long-term care ombudsman program; one representative from the statewide resident council program; and two representatives of families and other consumers. The secretary shall appoint a chairperson for the committee from the committee membership for a term of one year. In appointing the chairperson, the secretary shall consult with members of the committee. Depending on the topic to be discussed, the department may invite other representatives in addition to the named members of the advisory committee. The secretary, or his or her designee, shall periodically, but not less than quarterly, convene a meeting of the advisory committee to encourage open dialogue on matters affecting the adult family home program. It is, minimally, expected that the department will discuss with the advisory committee the department's inspection, enforcement, and quality improvement activities, in addition to seeking their comments and recommendations on matters described under subsection (2) of this section.

(2) The secretary, or his or her designee, shall seek comments and recommendations from the advisory committee prior to the adoption of rules and standards, implementation of adult family home provider programs, or development of methods and rates of payment.

(3) Establishment of the advisory committee shall not prohibit the department of social and health services from utilizing other advisory activities that the department of social and health services deems necessary for program development.

(4) Members of the advisory committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 from license fees collected under chapter 70.128 RCW.

NEW SECTION. Sec. 5. The department of health shall return the funds collected by the department in connection with the power, functions, and duties repealed under section 2 of this act, less actual program costs, to credentialed adult family home providers and resident managers registered under chapter 18.48 RCW. The department of health shall determine the formula for distribution of these funds based upon payment of registration fees during the previous two renewal periods.

Sec. 6. RCW 18.130.040 and 2001 c 251 s 27 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

~~(xix) ((Persons registered as adult family home providers and resident managers under RCW 18.48.020;~~

~~(xx))~~ Denturists licensed under chapter 18.30 RCW;

~~((xxi))~~ (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW; and

~~((xxii))~~ (xxi) Surgical technologists registered under chapter 18.215 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 7. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "regulation of adult family home providers and resident managers; amending RCW 70.128.120, 70.128.220, and 18.130.040; adding a new section to chapter 70.128 RCW; creating a new section; repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and 18.48.060; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to House Bill No. 2444 and advanced the bill as amended by the Senate to final passage.

Representative Darneille spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2444 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Skinner - 1.

House Bill No. 2444, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2403, with the following amendments:

On page 1, on line 16 ,after "boards" strike the following: "of regents"

On page 2, on line 33, after "the" strike the following: "respective"

On page 2, on line 33, after "of" strike the following: "regents and"

On page 3, on line 34, after "means" strike the following: "the board of regents or"

On page 4, on line 18, after "means" strike the following: "the University of Washington, Washington State University,"

On page 12, on line 28, after "faculty" strike the following: "or board of regents"

On page 13, on line 29, after "the" strike the following: "board of regents or"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendments to Second Substitute House Bill No. 2403 and advanced the bill as amended by the Senate to final passage.

Representatives Kenney, Clements, Schoesler and McIntire spoke in favor of the passage of the bill.

Representative Cox spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2403, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2403, as amended by the Senate and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1, Not Voting - 0.

Voting yea: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 45.

Excused: Representative Skinner - 1.

Second Substitute House Bill No. 2403, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 13, 2002

Mr. Speaker:

The Senate insists on its position on SENATE BILL NO. 5478 and asks the House to recede from the House amendments.

And the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House adhered to its position on Senate Bill No. 5478 and asked the Senate to concur thereon.

SECOND READING

HOUSE BILL NO. 2458, by Representative Sommers; by request of Department of Social and Health Services

Authorizing the department of social and health services to establish licensing fees for adult family homes.

The bill was read the second time.

Representative Sommers moved the adoption of amendment (576):

On page 2, line 27, after "amount" strike all material through "homes" on line 29 and insert "consistent with the adult family home licensing expenditures and revenues authorized in the biennial appropriations act"

Representative Cody spoke in favor of the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (594):

On page 3, after line 2, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW to read as follows:

No department employee shall discriminate or retaliate in any manner against an adult family home operator or employee on the basis or for the reason that the operator or employee made a complaint against the department or any of its employees."

Correct the title.

Representatives Cody and Mastin spoke in favor of the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Sommers spoke in favor of passage of the bill.

Representatives Sehlin, Campbell, Boldt, Mielke and Darneille spoke against the passage of the bill.

There being no objection, the House deferred action on Engrossed House Bill No. 2458, and the bill held its place on third reading.

THIRD SUBSTITUTE SENATE BILL NO. 5514, by Senate Committee on Ways & Means (originally sponsored by Senators Spanel, Carlson, Hale, Gardner, Rasmussen, Winsley, Regala, Costa and Fraser)

Changing provisions relating to public facilities districts.

The bill was read the second time.

Representative Mielke moved the adoption of amendment (598):

On page 6, beginning on line 9, strike all of subsection (1) and insert the following:

"(1)(a) Except as provided in subsection (6) of this section and (b) of this subsection, the governing body of a public facilities district created before July 31, 2002, under chapter 35.57 or 36.100 RCW that commences construction of a new regional center, or improvement or rehabilitation of an existing (~~new~~) regional center, before January 1, (~~(2003)) 2004~~, may impose a sales and use tax in accordance with the terms of this chapter.

(b) Except as provided in subsection (6) of this section, the governing body of a public facilities district created under chapter 35.57 or 36.100 RCW, that is located in a county with a population between three hundred thousand and three hundred seventy-five thousand, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th, and that commences construction of a new regional center, or improvement or rehabilitation of an existing regional center, before January 1, 2003, may impose a sales and use tax in accordance with the terms of this chapter.

(c) The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of

any taxable event within the public facilities district. The rate of tax shall not exceed 0.033 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax."

Representative Mielke spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Boldt moved the adoption of amendment (597):

On page 6, beginning on line 13, strike "new" and insert "~~(new)~~"

On page 7, line 8, after "(5)" insert "No moneys collected under this section may be used for the construction of a new regional center, or improvement or rehabilitation of an existing regional center where the public facilities district created under chapter 35.57 or 36.100 RCW has entered into a project labor agreement involving the construction, improvement, or rehabilitation of a regional center.

(6)"

Renumber the remaining subsection consecutively and correct internal references accordingly.

Representative Boldt spoke in favor of the adoption of the amendment.

Representative Gombosky spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Gombosky moved the adoption of amendment (587):

On page 7, after line 18, insert the following:

"**Sec. 5.** RCW 35.21.280 and 1999 c 165 s 19 are each amended to read as follows:

(1) Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.57 or 36.100 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210~~((This))~~, except the city or town may impose a tax on persons paying an admission to any activity of such public facility if the city or town uses the admission tax revenue it collects on the admission charges to that public facility for the construction, operation, maintenance, repair, replacement, or enhancement of that public facility or to develop, support, operate, or enhance programs in that public facility.

(2) Tax authorization under this section includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

(3) The term "admission charge" includes:

~~((1))~~ (a) A charge made for season tickets or subscriptions;

~~((2))~~ (b) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

~~((3))~~ (c) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

~~((4))~~ (d) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

~~((5))~~ (e) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile."

Correct the title.

Representatives Gombosky and Alexander spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Gombosky and Alexander spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Third Substitute Senate Bill No. 5514, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute Senate Bill No. 5514, as amended by the House and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 89.

Voting nay: Representatives Boldt, Bush, Chandler, Crouse, Holmquist, Lisk, Mulliken, and Schindler - 8.

Excused: Representative Skinner - 1.

Third Substitute Senate Bill No. 5514, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6591, by Senators Prentice and Oke; by request of Department of Revenue

Changing the taxation of tobacco products to provide for the taxation of products purchased for resale from persons immune from state tax.

The bill was read the second time.

Representative Gombosky moved the adoption of amendment (596):

"NEW SECTION. Sec. 5. A new section is added to chapter 82.26 RCW to read as follows:

(1) The department shall by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010(3)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest shall be assessed in accordance with chapter 82.32 RCW."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Gombosky and Cairnes spoke in favor of the adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Gombosky, Cairnes and Clements spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6591, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6591, as amended by the House and the bill passed the House by the following vote: Yeas - 87, Nays - 10, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, McMorris, Miloscia, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods and Mr. Speaker - 87.

Voting nay: Representatives Armstrong, Ballard, Boldt, Bush, Crouse, Dunn, Mastin, Mielke, Mitchell, and Schindler - 10.

Excused: Representative Skinner - 1.

Senate Bill No. 6591, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, Rule 13c was suspended.

MESSAGES FROM THE SENATE

March 13, 2002

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5949,
SECOND SUBSTITUTE SENATE BILL NO. 6353,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 2993,

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

SB 5082 by Senators Haugen, T. Sheldon, Rasmussen and Gardner

AN ACT Relating to defining rural counties for purposes of sales and use tax for public facilities; and amending RCW 82.14.370.

SB 6585 by Senators Thibaudeau and Deccio; by request of Department of Social and Health Services

AN ACT Relating to requiring support payments for developmentally disabled children in out-of-home care as a result of the budget deficit; and amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030.

SSB 6833 by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Winsley, Thibaudeau and Franklin)

AN ACT Relating to medical care for certain immigrants; amending RCW 74.08A.100 and 74.09.415; and providing an effective date.

There being no objection, Senate Bill No. 5082 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, Senate Bill No. 6585 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, Substitute Senate Bill No. 6833 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

**SUBSTITUTE SENATE BILL NO. 6823, by Senate Committee on Ways & Means
(originally sponsored by Senators Finkbeiner and McAuliffe)**

Regarding the salary formula for state-funded basic education certificated instructional staff.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sommers and Cox spoke in favor of passage of the bill.

Representative Sehlin and Talcott spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6823.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6823 and the bill passed the House by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 47.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 6823, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6832, by Senators Brown, Winsley, Thibaudeau, Deccio and Franklin

Establishing department of social and health services authority to purchase interpreter services for public assistance recipients.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Boldt spoke in favor of passage of the bill.

Representative Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6832.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6832 and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Mulliken - 1.

Excused: Representative Skinner - 1.

Senate Bill No. 6832, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5082, by Senators Haugen, T. Sheldon, Rasmussen and Gardner

Defining rural counties for purposes of sales and use tax for public facilities in rural counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Barlean and Sehlin spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5082.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5082 and the bill passed the House by the following vote: Yeas - 95, Nays - 2, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 95.

Voting nay: Representatives Cairnes and Roach - 2.

Excused: Representative Skinner - 1.

Senate Bill No. 5082, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6833, by Senate Committee on Ways & Means (originally sponsored by Senators Brown, Winsley, Thibaudeau and Franklin)

Revising medical care eligibility for certain immigrants.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives * spoke in favor of passage of the bill.

Representative * spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 6833.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6833 and the bill passed the House by the following vote: Yeas - 52, Nays - 45, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood and Mr. Speaker - 52.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 45.

Excused: Representative Skinner - 1.

Substitute Senate Bill No. 6833, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387, by Senate Committee on Ways & Means (originally sponsored by Senator Brown; by request of Governor Locke)

Making 2001-03 biennium supplemental operating appropriations.

The bill was read the second time.

Representative Sommers moved the adoption of amendment (580):

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2001 2nd sp.s. c 7 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2002) \$ 28,313,000

General Fund--State Appropriation (FY 2003) \$ ((~~28,497,000~~))

27,072,000

Department of Retirement Systems Expense Account--State Appropriation \$ 45,000

TOTAL APPROPRIATION \$ ((~~56,855,000~~))

55,430,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

Sec. 102. 2001 2nd sp.s. c 7 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2002) \$ 22,863,000

General Fund--State Appropriation (FY 2003) \$ ((~~23,999,000~~))

22,799,000

Department of Retirement Systems Expense Account--State Appropriation \$ 45,000

TOTAL APPROPRIATION \$ ((~~46,907,000~~))

45,707,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.

(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

Sec. 103. 2001 2nd sp.s. c 7 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2002) \$ ((~~2,436,000~~))

2,131,000

General Fund--State Appropriation (FY 2003) \$ ((~~1,938,000~~))

2,150,000

TOTAL APPROPRIATION \$ ((~~4,374,000~~))

4,281,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((\$150,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the joint legislative audit and review committee to conduct an evaluation of the client outcomes of the high school transition program operated by the department of social and health services division of developmental disabilities. The study shall identify the different approaches that have been used in providing transition services and whether some approaches are more or less successful in helping young adults with developmental disabilities achieve greater levels of independence. The study shall evaluate how transition programs reduce the level of support provided to clients as they achieve greater levels of independence, and shall be submitted to the appropriate committees of the legislature by December 1, 2002.)) \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$470,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for conducting a performance audit of the department of social and health services division of developmental disabilities. The audit shall determine whether the division has complied with significant laws and regulations applicable to the program and evaluate the adequacy of management processes for measuring, reporting, and monitoring program effectiveness, economy, and efficiency.~~

(a) Special emphasis shall be placed on how the division:

- (i) Determines and monitors eligibility;
- (ii) Determines what types and levels of services are to be provided;
- (iii) Determines that clients are receiving services;
- (iv) Tracks client progress and evaluates the benefits of services being provided;
- (v) Enforces the terms of its contracts with providers; and
- (vi) Determines it is doing an efficient and effective job of meeting its legislative mandates.

(b) The audit shall also include a comparison among the division of developmental disabilities and other program areas in the department of social and health services that deliver similar client services. This comparison shall cover eligibility assessment, functional needs assessment, service requirements assessment, and the linkage between assessed client needs and the agency services authorized and delivered.

(c) The committee shall make recommendations, as appropriate, for the improvement of services and system performance. The committee may contract for consulting services in conducting the study. Interim findings shall be submitted to the fiscal committees of the legislature by December 1, 2002. The final report shall be submitted to the legislature no later than June 30, 2003.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a capacity planning study of the capital facilities of the state school for the deaf. The committee's study shall be carried out in conjunction with the study of educational service delivery models conducted by the state institute for public policy. The study shall be submitted to the fiscal committees of the legislature by September 30, 2002.

~~(3) (\$35,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for)~~ ~~The joint legislative audit and review committee~~ ~~((to))~~ shall conduct a review of water conservancy boards. The review shall include an assessment of the operating costs of existing boards; the sources of funding for board operations; sources of in-kind support for board operations; assessment of the value of water rights subject to change or transfer decisions; the range of costs of processing water right transfer applications by the boards as well as by the department of ecology for applications filed directly with the department; the costs to the department of training, assistance, and review of board recommendations on applications; board membership and board recordkeeping; and public participation procedures for both the water conservancy boards and the department of ecology. The committee shall submit its review by ~~((January 1, 2003))~~ December 1, 2004, to the appropriate policy and fiscal committees of the legislature.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for a follow-up review to report number 98-3, the performance audit of the department of corrections. The follow-up study shall include but not be limited to a review of:

- (a) Community supervision activities performed by the department;
- (b) The implementation of risk-based classification and community placement models;
- (c) The early implementation of the offender accountability act; and
- (d) The cost impacts of the risk-based models and the offender accountability act.

The committee shall consult with the Washington state institute for public policy regarding data and findings from the institute's current studies on these issues. A report of the follow-up study shall be submitted to the relevant policy and fiscal committees of the legislature by December 21, 2001. Upon the completion of the follow-up review, the committee shall make a determination whether an additional phase of study is needed. If further study is indicated, the committee shall submit to the relevant policy and fiscal committees of the legislature its plan and cost estimate for such study by March 29, 2002.

(5) \$140,000 of the general fund--state appropriation for fiscal year 2002 is provided for a study of children's mental health in Washington. The study shall include but not be limited to:

- (a) A review of plans and services for children, including those for early periodic screening, diagnosis, and treatment;
- (b) A review of the implementation of the plans;
- (c) A review of the availability and reliability of fiscal, program, and outcome data relating to mental health services provided to children; and

(d) A survey of mental health services for children among the state's regional support networks.

The committee shall make recommendations, as appropriate, for the improvement of services and system performance, including the need for performance and client outcome measures. The committee may contract for consulting services in conducting the study. The committee shall submit a report to the appropriate policy and fiscal committees of the legislature by July 1, 2002.

(6) Within the amounts provided in this section, the joint legislative audit and review committee shall conduct a study of the Washington management service. The study shall include findings regarding (a) growth in the number of positions in the Washington management service, (b) growth in salary levels and structure since the Washington management service's inception, and (c) other compensation practices used within the Washington management service. The department of personnel shall cooperate with the committee in conducting the study and provide information as requested by the committee. The committee shall provide a report to the fiscal committees of the legislature by December 31, 2001.

(7) Within the amounts provided in this section, the joint legislative audit and review committee shall review all aspects of the mental health prevalence study completed in accordance with section 204 of this act, including but not limited to the contractor selection process, if any; the study design and workplan; the implementation of the study; and the draft and final reports.

(8) The committee shall study and report on pipeline safety as provided in section 149 of this act.

Sec. 104. 2001 2nd sp.s. c 7 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 1,329,000

General Fund--State Appropriation (FY 2003) \$ ((1,462,000))

1,418,000

Public Works Assistance Account--State Appropriation \$ 203,000

TOTAL APPROPRIATION \$ ((2,994,000))

2,950,000

Sec. 105. 2001 2nd sp.s. c 7 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account--State Appropriation \$ ((1,923,000))

2,054,000

The appropriation in this section is subject to the following conditions and limitations: The joint committee on pension policy, in collaboration with various interested parties, shall study issues of pension governance and recommend legislation for consideration in the 2002 legislative session.

Sec. 106. 2001 2nd sp.s. c 7 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 6,421,000

General Fund--State Appropriation (FY 2003) \$ ((7,043,000))

6,832,000

TOTAL APPROPRIATION \$ ((13,464,000))

13,253,000

Sec. 107. 2001 2nd sp.s. c 7 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2002) \$ 3,909,000

General Fund--State Appropriation (FY 2003) \$ ((4,038,000))

3,917,000

TOTAL APPROPRIATION \$ ((7,947,000))

7,826,000

The appropriations in this section are subject to the following conditions and limitations:
\$41,000 of the general fund fiscal year 2002 appropriation and \$43,000 of the general fund fiscal year 2003 appropriation are provided solely for the uniform legislation commission.

Sec. 108. 2001 2nd sp.s. c 7 s 109 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2002) \$ ~~((5,423,000))~~ 5,500,000

General Fund--State Appropriation (FY 2003) \$ ~~((5,510,000))~~ 5,487,000

TOTAL APPROPRIATION \$ ~~((10,933,000))~~ 10,987,000

Sec. 109. 2001 2nd sp.s. c 7 s 110 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2002) \$ 1,982,000

General Fund--State Appropriation (FY 2003) \$ ~~((1,983,000))~~ 1,924,000

TOTAL APPROPRIATION \$ ~~((3,965,000))~~ 3,906,000

Sec. 110. 2001 2nd sp.s. c 7 s 111 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2002) \$ ~~((12,746,000))~~ 12,894,000

General Fund--State Appropriation (FY 2003) \$ ~~((12,878,000))~~ 12,724,000

TOTAL APPROPRIATION \$ ~~((25,624,000))~~ 25,618,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$505,000 of the general fund--state appropriation for fiscal year 2002 and \$606,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for lease increases associated with the division I facility. ~~((Within the funds provided in this subsection, the court of appeals shall conduct a space planning study exploring options dealing with remodeling existing space to accommodate needs and evaluating the cost and benefits of moving to another location.))~~

(2) \$168,000 of the general fund--state appropriation for fiscal year 2002 and \$159,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

Sec. 111. 2001 2nd sp.s. c 7 s 112 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2002) \$ 955,000

General Fund--State Appropriation (FY 2003) \$ ~~((969,000))~~ 940,000

TOTAL APPROPRIATION \$ ~~((1,924,000))~~ 1,895,000

Sec. 112. 2001 2nd sp.s. c 7 s 113 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2002) \$ ((14,247,000))	<u>14,900,000</u>
General Fund--State Appropriation (FY 2003) \$ ((14,386,000))	<u>15,388,000</u>
Public Safety and Education Account--State Appropriation \$ ((29,634,000))	<u>27,468,000</u>
Judicial Information Systems Account--State Appropriation \$ 27,758,000	
TOTAL APPROPRIATION \$ ((86,025,000))	<u>85,514,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

~~(8) (\$1,618,000 of the public safety and education account--state appropriation is provided solely for increases for juror pay. The office of the administrator for the courts may contract with local governments to provide additional juror pay. The contract shall provide that the local government is responsible for the first ten dollars of juror compensation for each day or partial day of jury service, and the state shall reimburse the local government for any additional compensation,~~

excluding the first day, up to a maximum of fifteen dollars per day-) \$1,800,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information systems. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2001-03 biennium.

Sec. 113. 2001 2nd sp.s. c 7 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2002) \$ 600,000

General Fund--State Appropriation (FY 2003) \$ 500,000

Public Safety and Education Account--State Appropriation \$ ((~~12,626,000~~))

12,344,000

TOTAL APPROPRIATION \$ ((~~13,226,000~~))

13,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$233,000~~)) \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The ((~~entire~~)) general fund--state appropriations ((~~is~~)) are provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

(i) Develop criteria for a statewide program to improve dependency and termination defense;

(ii) Examine caseload impacts to the courts resulting from improved defense practices; and

(iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination

case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

Sec. 114. 2001 2nd sp.s. c 7 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2002) \$ ((4,537,000))	<u>4,497,000</u>
General Fund--State Appropriation (FY 2003) \$ ((4,524,000))	<u>4,028,000</u>
General Fund--Federal Appropriation \$ 219,000	
Water Quality Account--State Appropriation \$ 3,908,000	
TOTAL APPROPRIATION \$ ((13,188,000))	<u>12,652,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,908,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 ((and \$100,000 of the general fund--state appropriation for fiscal year 2003 are)) is provided solely for the salmon recovery office to support the efforts of the independent science panel.

Sec. 115. 2001 2nd sp.s. c 7 s 116 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2002) \$ 449,000	
General Fund--State Appropriation (FY 2003) \$ ((451,000))	
TOTAL APPROPRIATION \$ ((900,000))	<u>428,000</u>
	<u>877,000</u>

Sec. 116. 2001 2nd sp.s. c 7 s 117 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2002) \$ 1,910,000	
General Fund--State Appropriation (FY 2003) \$ ((1,903,000))	
TOTAL APPROPRIATION \$ ((3,813,000))	<u>1,846,000</u>
	<u>3,756,000</u>

Sec. 117. 2001 2nd sp.s. c 7 s 118 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2002) \$ ((10,513,000))	
General Fund--State Appropriation (FY 2003) \$ ((8,707,000))	
Archives and Records Management Account--State Appropriation \$ ((7,295,000))	
Archives and Records Management Account--Private/Local Appropriation \$ ((3,860,000))	
Department of Personnel Service Account Appropriation \$ ((719,000))	
	<u>10,485,000</u>
	<u>6,446,000</u>
	<u>7,877,000</u>
	<u>4,572,000</u>

TOTAL APPROPRIATION \$ (~~31,094,000~~)

701,000

30,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~2,296,000~~) \$2,126,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) (~~2,193,000~~) \$2,143,000 of the general fund--state appropriation for fiscal year 2002 and (~~2,712,000~~) \$2,578,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2002 and (~~125,000~~) \$118,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2002 and \$1,986,772 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2001-2003 biennium. An eligible nonprofit organization must be formed solely for the purpose of, and be experienced in, providing gavel-to-gavel television coverage of state government deliberations and other events of statewide significance and must have received a determination of tax-exempt status under section 501(c)(3) of the federal internal revenue code. The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5)(a) \$149,316 of the archives and records management--state appropriation and \$597,266 of the archives and records management--private/local appropriation are provided solely for the construction of an eastern regional archives. The amounts provided in this subsection shall lapse if:

(i) The financing contract for the construction of an eastern regional archives building is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by July 31, 2001.

(b) (~~613,879~~) \$566,879 of the archives and records management--state appropriation and (~~463,102~~) \$451,102 of the archives and records management--private/local appropriation are

provided solely for the design and establishment of an electronic data archive, including the acquisition of hardware and software. The amounts provided in this subsection shall lapse if:

(i) The financing contract for acquisition of technology hardware and software for the electronic data archive is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by June 30, 2001.

(6) If the financing contract for expansion of the state records center is not authorized in the capital budget for fiscal biennium 2001-03, then \$641,000 of the archives and records management account--state appropriation shall lapse.

(7) ~~(\$867,000)~~ \$1,635,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

Sec. 118. 2001 2nd sp.s. c 7 s 119 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 269,000

General Fund--State Appropriation (FY 2003) \$ ~~((282,000))~~

274,000

TOTAL APPROPRIATION \$ ~~((551,000))~~

543,000

Sec. 119. 2001 2nd sp.s. c 7 s 120 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 233,000

General Fund--State Appropriation (FY 2003) \$ ~~((233,000))~~

201,000

TOTAL APPROPRIATION \$ ~~((466,000))~~

434,000

Sec. 120. 2001 2nd sp.s. c 7 s 123 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2002) \$ ~~((1,078,000))~~

901,000

General Fund--State Appropriation (FY 2003) \$ ~~((1,324,000))~~

1,401,000

State Auditing Services Revolving Account--State Appropriation \$ ~~((13,540,000))~~

13,193,000

TOTAL APPROPRIATION \$ ~~((15,942,000))~~

15,495,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) ~~(\$910,000)~~ \$901,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$910,000)~~ \$901,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3)(a) \$500,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for contracts with an independent entity or entities to conduct objective and systematic

performance audits of the division of developmental disabilities of the department of social and health services and the Washington department of fish and wildlife.

(b) The performance audits shall provide an independent assessment of the performance of the division of developmental disabilities of the department of social and health services and the Washington department of fish and wildlife. The audits shall include, but not be limited to: (i) Quality and process management practices; (ii) independent and internal audit function; (iii) internal and external customer satisfaction; (iv) program effectiveness; (v) fiscal productivity and efficiency; and (vi) statutory and regulatory compliance.

(c) The state auditor shall report the findings of the performance audits to the appropriate legislative committees by June 30, 2003.

Sec. 121. 2001 2nd sp.s. c 7 s 124 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2002) \$ 80,000

General Fund--State Appropriation (FY 2003) \$ ~~((152,000))~~

147,000

TOTAL APPROPRIATION \$ ~~((232,000))~~

227,000

Sec. 122. 2001 2nd sp.s. c 7 s 125 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2002) \$ 4,811,000

General Fund--State Appropriation (FY 2003) \$ ~~((4,806,000))~~

4,070,000

General Fund--Federal Appropriation \$ 2,868,000

Public Safety and Education Account--State Appropriation \$ ~~((1,789,000))~~

1,753,000

Tobacco Prevention and Control Account Appropriation \$ 277,000

New Motor Vehicle Arbitration Account--State Appropriation \$ 1,163,000

Legal Services Revolving Account--State Appropriation \$ ~~((147,306,000))~~

147,422,000

TOTAL APPROPRIATION \$ ~~((163,020,000))~~

162,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4)(a) \$87,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the office of the attorney general to prepare a report by October 1, 2002, on federal and Indian reserved water rights, and to submit the report to the standing committees of the legislature having jurisdiction over water resources. The objectives of the report shall be to:

- (i) Examine and characterize the types of water rights issues involved;
 - (ii) Examine the approaches of other states to such issues and their results;
 - (iii) Examine methods for addressing such issues including, but not limited to, administrative, judicial, or other methods, or any combinations thereof; and
 - (iv) Examine implementation and funding requirements.
- (b) Following receipt of the report, the standing committees of the legislature having jurisdiction over water resources shall seek and consider the recommendations of the relevant departments and agencies of the United States, the federally recognized Indian tribes with water-related interests in the state, and water users in the state and shall develop recommendations.

Sec. 123. 2001 2nd sp.s. c 7 s 126 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2002) \$ 631,000

General Fund--State Appropriation (FY 2003) \$ ~~((619,000))~~

600,000

TOTAL APPROPRIATION \$ ~~((1,250,000))~~

1,231,000

NEW SECTION. **Sec. 124.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS. The department of financial institutions shall reduce its fiscal year 2003 expenditures from the financial services regulation account by the amount of \$357,000.

Sec. 125. 2001 2nd sp.s. c 7 s 127 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2002) \$ ~~((71,083,500))~~

70,893,000

General Fund--State Appropriation (FY 2003) \$ ~~((70,873,500))~~

60,499,000

General Fund--Federal Appropriation \$ 173,342,000

General Fund--Private/Local Appropriation \$ 7,980,000

Public Safety and Education Account--State Appropriation \$ ~~((10,300,000))~~

10,094,000

Public Works Assistance Account--State Appropriation \$ 1,911,000

Salmon Recovery Account--State Appropriation \$ 1,500,000

Film and Video Promotion Account--State Appropriation \$ 25,000

Building Code Council Account--State Appropriation \$ ~~((1,061,000))~~

1,226,000

Administrative Contingency Account--State Appropriation \$ 1,777,000

Low-Income Weatherization Assistance Account--State Appropriation \$ 3,292,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$ ~~((6,081,000))~~

7,513,000

Manufactured Home Installation Training Account--State Appropriation \$ 256,000

Community Economic Development Account--State Appropriation \$ 113,000

Washington Housing Trust Account--State Appropriation \$ ~~((5,597,000))~~

10,368,000

Public Facility Construction Loan Revolving Account--State Appropriation \$ ~~((550,000))~~

586,000

TOTAL APPROPRIATION \$ ~~((354,242,000))~~

351,375,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) ~~(\$3,085,000)~~ \$2,838,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$3,085,000)~~ \$2,838,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) ~~(\$10,403,445)~~ \$10,804,156 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

(a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$200,000 to the department for grants to support tribal law enforcement needs;

(e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;

(h) \$697,075 to the department to continue domestic violence legal advocacy;

(i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;

(k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(l) \$91,000 to the department to continue the governor's council on substance abuse;

(m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;

(n) ~~(\$500,469)~~ \$901,180 to the office of financial management for criminal history records improvement; and

(o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) ~~(\$470,000)~~ \$320,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$470,000)~~ \$320,000 of the general fund--state appropriation for fiscal year 2003 are provided

solely for the rural economic ~~((development activities including \$200,000 for the Washington manufacturing service, and \$100,000 for business retention and expansion))~~ opportunity fund.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$23,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food

distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the ~~((general fund--state))~~ Washington housing trust account appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(21) \$1,868,000 of the Washington housing trust account appropriation for fiscal year 2003 is provided solely for emergency shelter assistance. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(22) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((22))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$75,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely for the community connections program in Walla Walla.

~~((23))~~ (24) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

~~((24))~~ (25) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

~~((25))~~ (26) \$81,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$81,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely for business finance and loan programs.

~~((26))~~ (27) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

~~((27))~~ (28) \$120,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$120,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely for operating a business information hotline.

~~((28))~~ (29) \$29,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$29,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

~~((29))~~ (30) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

(31) \$300,000 of the general fund--state appropriation for fiscal year 2003 is provided to reimburse nonprofit associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public for back leasehold excise taxes assessed by the department of revenue.

(32) \$10,111,682 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2003 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$494,675 to the office of financial management for criminal history records improvement;

(l) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence; and

(m) \$813,358 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(33) \$165,000 of the building code council account appropriation for fiscal year 2003 is provided solely for the state building code council pursuant to Senate Bill No. 5352 (building code council fee increase). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(34) \$202,000 of the mobile home park relocation account appropriation for fiscal year 2003 is provided solely for the department to administer the mobile home relocation assistance program as provided by Second Substitute Senate Bill No. 5354 (mobile home relocation assistance fee). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(35) The appropriations in this section reflect a reduction of \$504,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of trade and economic development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

(36) \$40,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement the state task force on funding for community-based services to victims of crime as provided in Senate Bill No. 6763. If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(37) The appropriations in this section reflect a reduction of \$1,641,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of community development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

Sec. 126. 2001 2nd sp.s. c 7 s 128 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2002) \$ 512,000

General Fund--State Appropriation (FY 2003) \$ ~~((514,000))~~

499,000

TOTAL APPROPRIATION \$ ~~((1,026,000))~~

1,011,000

Sec. 127. 2001 2nd sp.s. c 7 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2002) \$ 12,456,000

General Fund--State Appropriation (FY 2003) \$ ~~((12,024,000))~~

12,158,000

General Fund--Federal Appropriation \$ 23,657,000

Violence Reduction and Drug Enforcement Account--State Appropriation \$ ~~((229,000))~~

226,000

State Auditing Services Revolving Account--State Appropriation \$ 25,000

TOTAL APPROPRIATION \$ ~~((48,391,000))~~

48,522,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

(2) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The office of financial management shall achieve a reduction of \$339,000 in its billings for financial system services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2671 (permit assistance center). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

Sec. 128. 2001 2nd sp.s. c 7 s 130 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation \$ ~~((21,938,000))~~

22,394,000

Sec. 129. 2001 2nd sp.s. c 7 s 131 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation \$ ((17,297,000))	17,035,000
Higher Education Personnel Services Account--State Appropriation \$ 1,636,000	
TOTAL APPROPRIATION \$ ((18,933,000))	18,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of personnel may charge agencies through the data processing revolving account up to \$561,000 in fiscal year 2002 to study the development of a new personnel and payroll system. The unexpended amount of \$545,000 shall be refunded to agencies in the form of reduced agency billings in fiscal year 2003.

(2) Funding to cover ~~((these))~~ expenses under subsection (1) of this section shall be realized from agency FICA savings associated with the pretax benefits contributions plans. Funding is subject to section 902 of this act.

Sec. 130. 2001 2nd sp.s. c 7 s 132 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation \$ ((22,130,000))	21,795,000
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NEW SECTION. **Sec. 131.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

STATE GAMBLING COMMISSION. The state gambling commission is directed to reduce its fiscal year 2003 expenditures from the gambling revolving account by the amount of \$450,000.

Sec. 132. 2001 2nd sp.s. c 7 s 133 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 226,000	
General Fund--State Appropriation (FY 2003) \$ ((234,000))	
TOTAL APPROPRIATION \$ ((460,000))	210,000
	436,000

Sec. 133. 2001 2nd sp.s. c 7 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2002) \$ 211,000	
General Fund--State Appropriation (FY 2003) \$ ((209,000))	
TOTAL APPROPRIATION \$ ((420,000))	207,000
	418,000

Sec. 134. 2001 2nd sp.s. c 7 s 135 (uncodified) is amended to read as follows:

FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account--State Appropriation \$ ((1,679,000))	
	1,705,000

The appropriation in this section is subject to the following conditions and limitations: \$26,000 of the department of personnel services account appropriation is provided solely for paying accrued annual and sick leave to a retired board member.

Sec. 135. 2001 2nd sp.s. c 7 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Dependent Care Administrative Account--State Appropriation \$ 378,000

Department of Retirement Systems Expense Account--State Appropriation \$ ~~((49,562,000))~~

49,183,000

TOTAL APPROPRIATION \$ ~~((49,940,000))~~

49,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.

(2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.

(3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.

(4) \$440,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).

(5) \$6,420,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).

~~(6) ((\$101,000 of the department of retirement systems expense account state appropriation is provided solely to implement Senate Bill No. 5144 (LEOFF survivor benefit). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.~~

~~(7) \$744,000 of the department of retirement systems expense account state appropriation is provided solely to implement Second Engrossed Substitute Senate Bill No. 6166 (LEOFF restructuring). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.)~~ \$96,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6376 (PERS plan 3 transfer payment). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(7) \$9,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6377 (TRS plan 1 extended school year). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(8) \$12,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6378 (LEOFF plan 2 part-time leave of absence). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(9) \$122,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6379 (transferring service credit to WSPRS). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(10) \$651,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6380 (survivor benefits). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(11) \$53,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6381 (PERS plan 1 terminated vested). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(12) \$130,000 of the department of retirement systems expense account appropriation for fiscal year 2003 is provided solely for the implementation of House Bill No. 2896 (EMT service credit transfer). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(13) The appropriations in this section are reduced to reflect savings resulting from a 0.01 percent reduction of the department of retirement systems administrative expense rate, effective May 1, 2002, from 0.23 to 0.22 for the remainder of the 2001-03 biennium.

Sec. 136. 2001 2nd sp.s. c 7 s 137 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation \$ ~~((12,876,000))~~

13,461,000

Sec. 137. 2001 2nd sp.s. c 7 s 138 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2002) \$ ~~((72,820,000))~~

72,823,000

General Fund--State Appropriation (FY 2003) \$ ~~((72,387,000))~~

78,149,000

Timber Tax Distribution Account--State Appropriation \$ 5,131,000

Waste Education/Recycling/Litter Control--State Appropriation \$ 101,000

State Toxics Control Account--State Appropriation \$ 67,000

Oil Spill Administration Account--State Appropriation \$ 14,000

Multimodal Transportation Account--State Appropriation \$ 109,000

TOTAL APPROPRIATION \$ ~~((150,520,000))~~

156,394,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

~~((1))~~ (a) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

~~((2))~~ (b) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

~~((3))~~ (c) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

~~((4))~~ (d) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

(2) \$90,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to conduct a study of tax incentives.

(a) The tax incentives covered by the study shall include the following:

(i) The rural county distressed areas sales tax deferral and exemption under chapter 82.60

RCW;

(ii) The rural county business and occupation tax credit for computer software development in RCW 82.04.4456;

(iii) The business and occupation tax jobs credit under chapter 82.62 RCW;

(iv) The business and occupation tax credit for international services under RCW 82.04.44525;

(v) The business and occupation tax credit for help-desk services in rural counties under RCW 82.04.4457;

(vi) The high technology business and occupation tax credit under RCW 82.04.4452;

(vii) The high technology sales tax deferral/exemption in chapter 82.63 RCW; and

(viii) The manufacturing, research and development, and testing operations sales and use tax exemptions under RCW 82.08.02565 and 82.12.02565.

(b) Taxpayer participation in the study is voluntary. Taxpayer information used in the study is confidential under the provisions of chapter 82.32 RCW. Additionally, the identity of any study participants may not be disclosed.

(c) The purpose of the study is to allow the legislature to evaluate the success of tax incentives in terms of job creation, product development, and other factors that are considered a return on investment of public funds. The study shall include information such as the amount of the incentive taken, the annual number of net new jobs as a result of the incentive, current employment, number of new products developed, the types and amounts of other taxes paid, whether the business expanded or is located in a certain area as a result of the incentive, and other information determined by the department to be relevant to the study.

(d) The department shall report to the appropriate legislative committees of the senate and house of representatives by November 30, 2002.

(3) \$109,000 of the multimodal transportation account--state appropriation for fiscal year 2003 is provided solely for the department to implement the provisions of House Bill No. 2969 (transportation). If the bill is not enacted by January 1, 2003, the amount provided in this subsection shall lapse. Further, the amount provided in this subsection shall lapse to the extent that funds are provided for this purpose in the transportation appropriations act.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2002 and \$111,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement the provisions of House Bill No. 2658 (municipal business and occupation tax). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

Sec. 138. 2001 2nd sp.s. c 7 s 139 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2002) \$ 1,193,000

General Fund--State Appropriation (FY 2003) \$ ~~((1,038,000))~~

TOTAL APPROPRIATION \$ ~~((2,231,000))~~

1,007,000

2,200,000

Sec. 139. 2001 2nd sp.s. c 7 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2002) \$ 549,000	
General Fund--State Appropriation (FY 2003) \$ ((630,000))	
	<u>655,000</u>
General Fund--Federal Appropriation \$ 1,930,000	
General Fund--Private/Local Appropriation \$ ((444,000))	
	<u>223,000</u>
State Capitol Vehicle Parking Account--State Appropriation \$ 154,000	
General Administration Services Account--State Appropriation \$ ((41,419,000))	
	<u>39,546,000</u>
TOTAL APPROPRIATION \$ ((45,126,000))	
	<u>43,057,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following: (a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

(3) \$44,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to implement the waste management and recycling provisions of Substitute House Bill No. 2308 (encouraging recycling and waste reduction). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of general administration shall achieve a reduction of \$1,302,000 in its billings for motor pool, consolidated mail, and other services that state agencies purchase in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

Sec. 140. 2001 2nd sp.s. c 7 s 143 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account--State Appropriation \$ ((3,706,000))

3,610,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Fifteen independent private, nonprofit colleges, located in Washington state, have requested connection to the K-20 educational telecommunications network. These K-20 connections shall be provided to the private schools on a full cost reimbursement basis, net of the value of services and information provided by the private institutions, based on criteria approved by the K-20 board.

(2) Some private K-12 schools have requested limited "pilot connections" to the K-20 network to test the technical and economic feasibility of one or more connection models. These K-20 connections shall be provided to the private K-12 schools on a full cost reimbursement basis, net of the value of services and information provided by the private K-12 schools based on criteria approved by the K-20 board.

(3) In the 2001-03 biennium, the department shall incorporate statewide elements for a common technology infrastructure into the state strategic information technology plan that state agencies shall then use in establishing individual agency business applications.

(4) The department shall implement the \$10,800,000 service rate reduction it proposed on August 14, 2000.

(5) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of information services shall achieve a reduction of \$1,995,000 in its billings for services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

Sec. 141. 2001 2nd sp.s. c 7 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$ 622,000

Insurance Commissioners Regulatory Account--State Appropriation \$ ((~~29,053,000~~))

29,928,000

TOTAL APPROPRIATION \$ ((~~29,675,000~~))

30,550,000

The appropriations in this section are subject to the following conditions and limitations: \$693,000 of the insurance commissioner's regulatory account appropriation is provided solely for moving and renovation costs associated with the colocation of the agency's Olympia-area facilities. Expenditures from this amount shall be subject to the approval of the department of general administration.

Sec. 142. 2001 2nd sp.s. c 7 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Account--State Appropriation \$ ((~~4,504,000~~))

4,436,000

Sec. 143. 2001 2nd sp.s. c 7 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2002) \$ 1,483,000

General Fund--State Appropriation (FY 2003) \$ ((~~1,484,000~~))

1,439,000

General Fund--Federal Appropriation (FY 2003) \$ 99,000

Liquor Control Board Construction and Maintenance
Account--State Appropriation \$ ((~~8,114,000~~))

9,684,000

Liquor Revolving Account--State Appropriation \$ ((~~142,148,000~~))

125,927,000

TOTAL APPROPRIATION \$ ((~~153,229,000~~))

138,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

(3) \$84,000 of the liquor control board construction and maintenance account appropriation for fiscal year 2003 is provided solely for the liquor control board to employ additional staff during the holiday season to handle the expected increase in sales volume at the Seattle distribution center.

Sec. 144. 2001 2nd sp.s. c 7 s 149 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation \$ ((27,108,000))	<u>26,702,000</u>
Pipeline Safety Account--State Appropriation \$ 3,305,000	
Pipeline Safety Account--Federal Appropriation \$ 822,000	
TOTAL APPROPRIATION \$ ((31,235,000))	<u>30,829,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,011,000 of the pipeline safety account--state appropriation and \$822,000 of the pipeline safety account--federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5182 (pipeline safety). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(2) \$294,000 of the pipeline safety account--state appropriation is provided solely for an interagency agreement with the joint legislative audit and review committee for a report on hazardous liquid and gas pipeline safety programs. The committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program. If Substitute Senate Bill No. 5182 (pipeline safety) is not enacted by June 30, 2001, the amount provided in this section shall lapse.

Sec. 145. 2001 2nd sp.s. c 7 s 151 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2002) \$ 9,165,000	
General Fund--State Appropriation (FY 2003) \$ ((8,979,000))	<u>8,710,000</u>
General Fund--Federal Appropriation \$ 22,509,000	
General Fund--Private/Local Appropriation \$ 234,000	
Enhanced 911 Account--State Appropriation \$ ((16,544,000))	<u>20,269,000</u>
Disaster Response Account--State Appropriation \$ ((582,000))	<u>2,010,000</u>
Disaster Response Account--Federal Appropriation \$ ((3,392,000))	<u>6,510,000</u>
Worker and Community Right to Know Fund--State Appropriation \$ 283,000	
Nisqually Earthquake Account--State Appropriation \$ ((37,884,000))	<u>29,027,000</u>
Nisqually Earthquake Account--Federal Appropriation \$ ((157,795,000))	<u>49,641,000</u>
TOTAL APPROPRIATION \$ ((257,367,000))	<u>148,358,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$582,000~~)) \$1,906,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster

response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) ~~(\$1,374,000)~~ \$2,145,000 of the Nisqually earthquake account--state appropriation and ~~(\$3,861,000)~~ \$4,174,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) ~~(\$1,347,000)~~ \$678,000 of the Nisqually earthquake account--state appropriation and ~~(\$5,359,000)~~ \$3,420,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, ~~(\$898,000)~~ \$217,000 is provided for the state matching share for state agencies and ~~(\$449,000)~~ \$462,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) ~~(\$35,163,000)~~ \$8,970,000 of the Nisqually earthquake account--state appropriation and ~~(\$148,575,000)~~ \$42,047,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, ~~(\$20,801,000)~~ \$3,924,000 is provided for the state matching share for state agencies and ~~(\$14,362,000)~~ \$5,046,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1). ~~((Upon approval of the director of financial management, the military department may use portions of the Nisqually earthquake account--state appropriations to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.))~~

(8) \$17,234,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.

(9) \$2,818,000 of the enhanced 911 account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6034 or House Bill No. 2595 (enhanced 911 excise tax). If neither bill is enacted by June 30, 2002, the amount provided in this subsection shall lapse.

Sec. 146. 2001 2nd sp.s. c 7 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2002) \$ ((2,154,000))	<u>2,225,000</u>
General Fund--State Appropriation (FY 2003) \$ ((2,164,000))	
	<u>2,339,000</u>
TOTAL APPROPRIATION \$ ((4,318,000))	
	<u>4,564,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$214,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the purpose of implementing requirements associated with Initiative Measure No. 775 (home care workers).

(2) \$47,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement House Bill No. 2403 and House Bill No. 2540 (higher education collective bargaining). If House Bill No. 2403 is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

Sec. 147. 2001 2nd sp.s. c 7 s 153 (uncodified) is amended to read as follows:

FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund--State Appropriation (FY 2002) \$ 1,497,000	
General Fund--State Appropriation (FY 2003) \$ ((1,506,000))	
	<u>1,461,000</u>
TOTAL APPROPRIATION \$ ((3,003,000))	
	<u>2,958,000</u>

PART II
HUMAN SERVICES

Sec. 201. 2001 2nd sp.s. c 7 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1)

Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2002,

unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2002 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

Sec. 202. 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((225,789,000))	<u>225,104,000</u>
General Fund--State Appropriation (FY 2003) \$ ((239,013,000))	<u>231,042,000</u>
General Fund--Federal Appropriation \$ ((372,408,000))	<u>369,403,000</u>
General Fund--Private/Local Appropriation \$ 400,000	
Public Safety and Education Account--State Appropriation \$ ((987,000))	<u>964,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$ ((5,702,000))	<u>5,639,000</u>
TOTAL APPROPRIATION \$ ((844,299,000))	<u>832,552,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, ((~~\$2,288,000~~)) \$2,271,000 of the fiscal year 2003 general fund--state appropriation, and ((~~\$1,590,000~~)) \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation ((~~and \$536,000~~)), \$375,000 of the general fund--state fiscal year 2003 appropriation, and \$161,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through

age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and ~~(((\$4,196,000))~~ \$4,150,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, ~~(((\$7,671,000))~~ \$5,710,000 of the fiscal year 2003 general fund--state appropriation, and ~~(((\$20,819,000))~~ \$19,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001 ~~((, and to an average of \$440 per month on July 1, 2002))~~. The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care

and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$2,461,000)~~ \$1,767,000 of the general fund--state appropriation for fiscal year 2003, and ~~(\$1,485,000)~~ \$1,241,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 ~~(and 30 percent in fiscal year 2003)~~.

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

Sec. 203. 2001 2nd sp.s. c 7 s 203 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

((1)) COMMUNITY SERVICES))	
General Fund--State Appropriation (FY 2002) \$ ((36,625,000))	<u>83,151,000</u>
General Fund--State Appropriation (FY 2003) \$ ((38,125,000))	<u>79,107,000</u>
General Fund--Federal Appropriation \$ ((14,609,000))	<u>13,803,000</u>
General Fund--Private/Local Appropriation \$ ((380,000))	<u>1,110,000</u>
Juvenile Accountability Incentive Account--Federal Appropriation \$ ((9,361,000))	<u>10,461,000</u>
Public Safety and Education Account--State Appropriation \$ ((6,196,000))	<u>6,047,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$ ((21,972,000))	<u>37,174,000</u>
TOTAL APPROPRIATION \$ ((127,268,000))	<u>230,853,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:
~~((a))~~ (1) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

~~((b))~~ (2) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

~~((c))~~ (3) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code

revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

~~((4))~~ (4) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

~~((5))~~ (5) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

~~((6))~~ (6) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

~~((7))~~ (7) \$423,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$924,000)~~ \$754,100 of the general fund--state appropriation for fiscal year 2003, ~~(\$174,000)~~ \$152,000 of the general fund--federal appropriation, ~~(\$196,000)~~ \$172,000 of the public safety and education assistance account appropriation, and ~~(\$690,000)~~ \$604,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

~~((8))~~ (8) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

~~((9))~~ (9) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

~~((10))~~ (10) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. ~~((To the extent that distributions made under (i) and (j) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees.))~~ The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

~~((11))~~ (11) The distributions made under ~~((9))~~ (9) and ~~((10))~~ (10) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

~~((4))~~ (12) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

~~((m))~~ (13) \$1,692,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

~~((n))~~ (14) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

~~((o))~~ (15) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

~~((p))~~ (16) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

~~((q))~~ (17) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

~~((r))~~ (18) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

~~((2)) INSTITUTIONAL SERVICES~~

~~General Fund--State Appropriation (FY 2002) \$ 46,773,000~~

~~General Fund--State Appropriation (FY 2003) \$ 48,735,000~~

~~General Fund--Federal Appropriation \$ 14,000~~

~~General Fund--Private/Local Appropriation \$ 740,000~~

~~Violence Reduction and Drug Enforcement Account--State Appropriation \$ 15,280,000~~

~~TOTAL APPROPRIATION \$ 111,542,000~~

~~The appropriations in this subsection are subject to the following conditions and limitations:))~~

~~(19) \$40,000 of the general fund--state appropriation for fiscal year 2002 and ~~((84,000))~~ \$68,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.~~

~~((3)) PROGRAM SUPPORT~~

~~General Fund--State Appropriation (FY 2002) \$ 1,738,000~~

~~General Fund--State Appropriation (FY 2003) \$ 1,765,000~~

~~General Fund--Federal Appropriation \$ 307,000~~

~~Juvenile Accountability Incentive Account--Federal Appropriation \$ 1,100,000~~

~~Violence Reduction and Drug Enforcement Account--State Appropriation \$ 421,000~~

~~TOTAL APPROPRIATION \$ 5,331,000))~~

(20) \$945,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for providing additional research-based services to the juvenile parole population. The juvenile

rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population.

(21) The juvenile rehabilitation administration shall continue to allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

Sec. 204. 2001 2nd sp.s. c 7 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2002) \$ ((191,089,000))	<u>194,566,000</u>
General Fund--State Appropriation (FY 2003) \$ ((194,884,000))	<u>177,206,000</u>
General Fund--Federal Appropriation \$ ((339,077,000))	<u>358,377,000</u>
General Fund--Local Appropriation \$ ((4,363,000))	<u>25,596,000</u>
Health Services Account--State Appropriation \$ 2,450,000	
TOTAL APPROPRIATION \$ ((731,863,000))	<u>758,195,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, (~~(\$1,927,000))~~ \$2,829,000 of the general fund--state appropriation for fiscal year 2003, and (~~(\$2,349,000))~~ \$3,157,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and (~~two~~) four additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts (~~((with those regional support networks which have the most viable plans for providing appropriate community support services for significant numbers of persons from their area who would otherwise be served in the state hospitals))~~) to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams

which will work with long-term state hospital residents prior and subsequent to their return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to ~~((2-1))~~ 3.5 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional ~~((2-3))~~ 5.0 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(h) The department shall assure that no regional support network uses more than 8.0 percent of the state and federal funds received from appropriations in this subsection for regional support network administration.

(i) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2002 and 2003 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2001.

(j) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2002 and 2003 by the full amount by which the regional support network's reserves and fund balances as of December 31, 2001, exceed the required risk reserve for that regional support network. The required reserve amount shall be calculated by applying the risk reserve percentage specified in the department's contract with the regional support network to the total state and federal revenues for which the regional support network would otherwise be eligible in accordance with this subsection. As used in this subsection, "reserves" does not include capital project reserves established in accordance with state accounting and reporting standards before January 1, 2002.

(k) The department shall cooperate with the department of community, trade, and economic development to develop a proposal to create a structurally and functionally independent mental health ombudsman program. The proposal shall include recommendations about the statutory and administrative changes needed to establish a structurally and functionally independent ombudsman system. The departments shall report to the appropriate policy and fiscal committees of the legislature by November 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ ((85,836,000))	<u>84,878,000</u>
General Fund--State Appropriation (FY 2003) \$ ((83,001,000))	<u>80,784,000</u>
General Fund--Federal Appropriation \$ ((139,098,000))	<u>139,821,000</u>
General Fund--Private/Local Appropriation \$ ((29,289,000))	<u>29,532,000</u>
TOTAL APPROPRIATION \$ ((337,224,000))	<u>335,015,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by ((~~120~~)) 178 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

(3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$ ((20,037,000))	<u>18,267,000</u>
General Fund--State Appropriation (FY 2003) \$ ((22,441,000))	<u>20,934,000</u>
TOTAL APPROPRIATION \$ ((42,478,000))	<u>39,201,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ((~~\$2,062,000~~)) \$1,587,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$3,698,000~~)) \$2,646,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) ((~~\$1,000,000~~)) \$300,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$1,000,000~~)) \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, up to \$45,000 per year is provided for the city of Lakewood for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Substitute Senate Bill No. 6594 (secure community transition facilities). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002) \$ 444,000
General Fund--State Appropriation (FY 2003) \$ 443,000
General Fund--Federal Appropriation \$ 2,082,000
TOTAL APPROPRIATION \$ 2,969,000

(5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$ 3,104,000	
General Fund--State Appropriation (FY 2003) \$ ((3,231,000))	<u>3,111,000</u>
General Fund--Federal Appropriation \$ ((5,796,000))	<u>5,659,000</u>

TOTAL APPROPRIATION \$ ((~~12,131,000~~))

11,874,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks and the appropriate allocation of state hospital beds among the networks. The prevalence study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting ((this)) the prevalence study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on ((its)) the findings of the prevalence study to the fiscal, health care, and human services committees of the legislature by November 1, 2003. In preparing the report on allocation of state hospital beds, the department shall: (i) Utilize the most current and reliable applicable academic research, and shall consult with academic and other national experts on mental health inpatient care; (ii) estimate the relative need for short-term and long-term inpatient psychiatric care in each of the state's regions, based on the factors that the experts identify as the best predictors of need, including geographic proximity to the hospitals; and (iii) identify options for changing the current distribution of state hospital beds among the regional support networks. This report shall be prepared in consultation with representatives of people with mental illness and the regional support networks, and shall be submitted to appropriate committees of the legislature. The department shall maintain the same relative allocation of budgeted, nonforensic state hospital beds among the regional support networks as was in effect during fiscal year 2002 until at least thirty days after adjournment of the first regular legislative session following submission of the report on the appropriate allocation of these beds. This subsection does not prohibit the replacement of current state hospital beds with community alternatives as provided elsewhere in this section.

Sec. 205. 2001 2nd sp.s. c 7 s 205 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL
DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2002) \$ ((~~231,693,000~~))

233,705,000

General Fund--State Appropriation (FY 2003) \$ ((~~242,347,000~~))

255,415,000

General Fund--Federal Appropriation \$ (396,151,000)	405,773,000
Health Services Account--State Appropriation \$ (741,000)	903,000
TOTAL APPROPRIATION \$ (870,932,000)	895,796,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The legislature finds that comprehensive reform of the developmental disabilities program is required. Recent audits and litigation indicate a need to improve the quality of program data, strengthen program and fiscal management, and clarify the criteria and determination of eligibility for services. Additional resources are also needed to expand access to community services. The appropriations in this section are intended to address the most urgent needs while strengthening program and fiscal accountability. The department shall provide monthly progress reports to the appropriate committees of the legislature on actions taken in three areas: The implementation of expanded services, the development and implementation of a new home and community based medicaid waiver, and improvements in program and fiscal management.

(b) \$10,050,000 of the fiscal year 2003 general fund--state appropriation and \$3,550,000 of the general fund--federal appropriation are provided solely for expanded access to community services. A total of \$7,800,000 is provided for additional residential services for persons on the home and community based waiver. A total of \$3,600,000 is provided for family support and high school transition. A total of \$2,700,000 is provided between this subsection and subsection (3) of this section for staffing and other costs to improve oversight of quality of care, program management, and fiscal management. New funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments. These amounts and the specified expansion of community services are intended to be the fiscal component of the negotiated settlement in the pending litigation on developmental disabilities services, *ARC v. Quasim*.

(c) The health services account appropriation and (~~753,000~~) \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(~~(b)~~) (d) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

~~((e) \$1,440,000)~~ (e) \$1,153,000 of the general fund--state appropriation for fiscal year 2002, ~~(((\$3,041,000))~~ \$3,054,000 of the general fund--state appropriation for fiscal year 2003, and ~~(((\$4,311,000))~~ \$4,031,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

~~((d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities.-))~~ (f) The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for ~~((increases))~~ changes assumed in additional funding provided in subsections (b) ~~((and (e)))~~, (d), and (e) of this section. Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

~~((e))~~ (g) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

~~((f))~~ (h) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

~~((g))~~ (i) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities. These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(j) \$1,310,000 of the general fund--state appropriation for fiscal year 2003 and \$1,207,000 of the general fund--federal appropriation are provided solely for an increase of twenty-five cents per hour on October 1, 2002, for individual and agency home care workers who provide state-funded services to persons with developmental disabilities. The amount provided in this section also includes the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection. The wage increases for individual providers required by this subsection are subject to the collective bargaining provisions of Initiative Measure No. I-775 (chapter 3, Laws of 2002).

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2002) \$ ((71,977,000))	<u>69,375,000</u>
General Fund--State Appropriation (FY 2003) \$ ((69,303,000))	<u>68,203,000</u>
General Fund--Federal Appropriation \$ ((145,641,000))	<u>145,672,000</u>
General Fund--Private/Local Appropriation \$ ((10,230,000))	<u>11,230,000</u>
TOTAL APPROPRIATION \$ ((297,151,000))	<u>294,480,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department (~~may~~) shall make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages, and maintain expenditures within allotments, as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2002) \$ ((2,601,000))	<u>1,711,000</u>
General Fund--State Appropriation (FY 2003) \$ ((2,623,000))	<u>2,007,000</u>
General Fund--Federal Appropriation \$ ((2,413,000))	<u>2,612,000</u>
<u>Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$ 1,767,000</u>	
TOTAL APPROPRIATION \$ ((7,637,000))	<u>8,097,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: (a) \$270,000 of the fiscal year 2003 general fund--state appropriation and \$170,000 of the general fund--federal appropriation are provided solely for improved fiscal management of the home and community-based waiver and other community services.

(b) (~~(\$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are)~~) \$100,000 of the telecommunications devices for the hearing and speech impaired account appropriation is provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation \$ 11,995,000	

Sec. 206. 2001 2nd sp.s. c 7 s 206 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((518,911,000))	<u>505,983,000</u>
General Fund--State Appropriation (FY 2003) \$ ((537,907,000))	<u>513,154,000</u>
General Fund--Federal Appropriation \$ ((1,078,417,000))	

General Fund--Private/Local Appropriation \$ ((4,324,000))	<u>1,053,299,000</u>
Health Services Account--State Appropriation \$ 4,523,000	<u>11,803,000</u>
TOTAL APPROPRIATION \$ ((2,144,082,000))	<u>2,088,762,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, \$1,423,000 of the general fund--state appropriation for fiscal year 2003, and \$6,794,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than ~~(((\$134.45))~~ \$132.58 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional ~~((2.3))~~ 1.5 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal

committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement ~~((two))~~ a medicaid waiver program~~((s))~~ for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) ~~((One))~~ The waiver program shall include coverage of ~~((home-based services, and the second shall include coverage of))~~ care in community residential facilities. ~~((Enrollment in the waiver covering home-based services shall not exceed 150 persons by the end of fiscal year 2002, nor 200 persons by the end of fiscal year 2003.))~~ Enrollment in the waiver ~~((covering community residential services))~~ shall not exceed ~~((500))~~ 50 persons by the end of fiscal year 2002, nor ~~((900))~~ 600 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on ~~((each of))~~ the ~~((two))~~ medically needy waiver~~((s))~~, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001, and to \$7.93 per hour on October 1, 2002. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002, and to \$13.72 on October 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers, and all but 3 cents per hour of the October 1, 2002, increase, is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection. The October 1, 2002, wage increases for individual providers are subject to the collective bargaining provisions of Initiative Measure No. 775 (chapter 3, Laws of 2002).

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish

a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002, and by December 1, 2002.

Sec. 207. 2001 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((436,440,000))	<u>442,984,000</u>
General Fund--State Appropriation (FY 2003) \$ ((424,870,000))	<u>394,974,000</u>
General Fund--Federal Appropriation \$ ((1,356,351,000))	<u>1,359,505,000</u>
General Fund--Private/Local Appropriation \$ ((31,788,000))	<u>33,880,000</u>
TOTAL APPROPRIATION \$ ((2,249,449,000))	<u>2,231,343,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$282,081,000~~)) \$281,035,000 of the general fund--state appropriation for fiscal year 2002, ((~~\$278,277,000~~)) \$277,231,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and ((~~\$29,352,000~~)) \$31,444,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the

benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(e) Reduce funding contracted to the department of employment security in order to maintain funding for drug and alcohol treatment services designed to help TANF parents enter the job market and keep their jobs.

(f) Provide \$878,000 of the general fund--federal appropriation for the comprehensive alcohol and drug treatment project.

(g) Allocate no more than \$5,800,000 of the general fund--federal appropriation for job search and job placement services operated by the department of employment security.

(h) Eliminate funding contracted to the department of employment security for the WorkFirst post-employment labor exchange program.

(i) Provide \$900,000 of the general fund--federal appropriation for indigent civil legal services.

(j) Increase childcare subsidy co-payments by no more than \$2 per co-payment.

(k) Provide an additional \$4,500,000 of the general fund--federal appropriation for community and technical colleges to fund parenting and family management skills development, other training programs, and enhanced childcare rates for families in those programs.

(l) Provide an additional \$300,000 of the general fund--federal appropriation for after school programs for middle school youth.

(m) Provide \$3,400,000 of the general fund--federal appropriation to the department of health for contracted services with local public health nurses to provide consultation and training to childcare providers caring for children with special needs.

(n) Provide \$1,000,000 of the general fund--federal appropriation to contract out to a non-profit organization that provides hometown and college mentoring services and programs for low-income youth for the purposes of encouraging long-term self-sufficiency and family formation.

(2) ~~(((\$48,341,000))~~ \$54,623,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$48,341,000))~~ \$44,431,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$5,632,000)~~ \$4,032,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

(6) It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for supplemental security income (SSI) supplemental payments. Within the amount remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses.

Sec. 208. 2001 2nd sp.s. c 7 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((38,047,000))	<u>35,851,000</u>
General Fund--State Appropriation (FY 2003) \$ ((38,938,000))	<u>37,022,000</u>
General Fund--Federal Appropriation \$ ((91,695,000))	<u>91,549,000</u>
General Fund--Private/Local Appropriation \$ 723,000	
Public Safety and Education Account--State Appropriation \$ ((13,733,000))	<u>13,427,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$ ((52,510,000))	<u>52,306,000</u>
TOTAL APPROPRIATION \$ ((235,646,000))	<u>230,878,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$1,610,000)~~ \$810,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) ~~(\$2,800,000)~~ \$1,000,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation ~~((is))~~ and \$75,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding. ~~((It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.))~~

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to

further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

(5) \$500,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2003 is provided solely for the department to provide treatment for pathological gambling or training for the treatment of pathological gambling under Second Substitute Senate Bill No. 6560 (shared game lottery). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing).

Sec. 209. 2001 2nd sp.s. c 7 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((1,028,885,000))	<u>1,081,150,000</u>
General Fund--State Appropriation (FY 2003) \$ ((1,130,904,000))	<u>1,124,758,000</u>
General Fund--Federal Appropriation \$ ((3,637,511,000))	<u>3,621,077,000</u>
General Fund--Private/Local Appropriation \$ ((276,147,000))	<u>211,272,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation \$ 9,200,000	
Health Services Account--State Appropriation \$ ((1,043,310,000))	<u>1,104,119,000</u>
TOTAL APPROPRIATION \$ ((7,125,957,000))	<u>7,151,576,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$1,380,000 of the health services account appropriation for fiscal year 2003, and \$2,000,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, (~~(\$376,318,000)~~) \$523,600,000 of the health services account appropriation (~~(for fiscal year 2002, \$144,896,000 of the health services account appropriation for fiscal year 2003, and \$542,089,000)~~) and \$530,585,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) (~~(\$38,690,000)~~) \$38,766,000 of the health services account appropriation for fiscal year 2002, (~~(\$40,189,000)~~) \$40,494,000 of the health services account appropriation for fiscal year 2003, and (~~(\$80,241,000)~~) \$79,839,000 of the general fund--federal appropriation are provided solely for

additional disproportionate share and medicare upper payment limit payments to public hospital districts.

~~((a))~~ The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

~~((b) An additional 4.5 percent of the additional payments may be retained by the participating public hospital districts contingent upon the receipt of \$446,500,000 in newly identified proshare reimbursement from the federal government over the 2001-03 biennium. If the actual amount received is less than \$446,500,000, the amount retained pursuant to this subsection (12)(b) shall be prorated accordingly. The state teaching hospitals shall receive a distribution of the amount retained by the participating hospital districts in this subsection (12)(b) as allocated in (a) of this subsection.)~~

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services.*

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

Sec. 210. 2001 2nd sp.s. c 7 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((11,309,000))	<u>11,135,000</u>
General Fund--State Appropriation (FY 2003) \$ ((9,780,000))	<u>9,385,000</u>
General Fund--Federal Appropriation \$ ((83,738,000))	<u>82,235,000</u>
General Fund--Private/Local Appropriation \$ 360,000	
TOTAL APPROPRIATION \$ ((105,187,000))	<u>103,115,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

(2) The department shall actively assist participants in the employment support services program to obtain other employment or training opportunities over the course of fiscal year 2003.

Sec. 211. 2001 2nd sp.s. c 7 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION
AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((30,444,000))	<u>30,419,000</u>
General Fund--State Appropriation (FY 2003) \$ ((29,369,000))	<u>22,419,000</u>
General Fund--Federal Appropriation \$ ((50,562,000))	<u>47,135,000</u>
General Fund--Private/Local Appropriation \$ 810,000	
TOTAL APPROPRIATION \$ ((111,185,000))	<u>100,783,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

(5) The department shall implement reductions in administrative expenditures assumed in these appropriations that achieve ongoing savings, reduce duplicative and redundant work processes, and, where possible, eliminate entire administrative functions and offices. The department may transfer amounts among sections and programs to achieve these savings provided that reductions in direct services to clients and recipients of the department shall not be counted as administrative reductions. The department shall report to the appropriate committees of the legislature a spending plan to achieve these reductions by July 1, 2002, and shall report actual achieved administrative savings and projected saving for the remainder of the biennium by December 1, 2002.

Sec. 212. 2001 2nd sp.s. c 7 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2002) \$ 6,655,000	
((General Fund--State Appropriation (FY 2003) \$ 6,654,000))	
State Health Care Authority Administrative Account--State Appropriation \$ ((20,091,000))	20,032,000
Health Services Account--State Appropriation \$ ((499,148,000))	538,828,000
General Fund--Federal Appropriation \$ ((3,611,000))	4,240,000
Medical Aid Account--State Appropriation \$ 45,000	
TOTAL APPROPRIATION \$ ((536,159,000))	569,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the ~~((general fund))~~ health services account-- state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns and recent pay history from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; and (e) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) The health services account revenues generated by Initiative Measure No. 773 which are appropriated in this section shall be used to subsidize enrollments in excess of the 125,000 per month base enrollment level as follows:

(a) \$20,000,000 is provided solely for enrollment in the subsidized basic health plan of persons who, solely by reason of their immigration status, are not eligible for medicaid coverage of their nonemergent medical care needs. From July 2002 to October 2002, opportunities for subsidized coverage will be offered on a phased-in basis to this group of persons. Any entity or organization may sponsor subsidized basic health plan enrollment.

(b) Beginning January 1, 2003, subsidized basic health plan coverage shall be offered on a phased-in basis to an additional 20,000 enrollees.

(7) \$3,000,000 of the health services account--state appropriation for fiscal year 2003 is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(8) The health care authority shall report to the fiscal committees of the legislature on the costs, benefits, and feasibility of implementing a system no later than January 1, 2004, under which the state's contribution to the cost of employee medical coverage would be graduated according to employee salary. Under the graduated system, employees in higher salary ranges would pay a larger share of the cost of their medical coverage, while those paid lower salaries would pay a smaller percentage of their premium. The report shall be prepared in consultation with the department of personnel and the state-supported colleges and universities, and shall be submitted to the fiscal committees no later than December 1, 2002.

(9) In consultation with the department of personnel and with the state-supported colleges and universities, the health care authority shall report to the fiscal committees of the legislature by October 1, 2002, a plan for expanding the availability and use of flexible spending account plans under which employees may set aside pretax earnings to cover their out-of-pocket medical costs. The authority is authorized to proceed with implementation of such a plan to the extent it can be accomplished within existing state funding levels.

(10) \$685,000 of the health services account appropriation, \$629,000 of the general fund--federal appropriation, and the medical aid account appropriation are provided solely for implementation of Substitute Senate Bill No. 6368 (prescription drug utilization and education). If the bill is not enacted by June 30, 2002, these amounts shall lapse.

Sec. 213. 2001 2nd sp.s. c 7 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2002) \$ 2,688,000	
General Fund--State Appropriation (FY 2003) \$ ((2,700,000))	
	<u>2,619,000</u>
General Fund--Federal Appropriation \$ 1,544,000	
General Fund--Private/Local Appropriation \$ 100,000	
TOTAL APPROPRIATION \$ ((7,032,000))	
	<u>6,951,000</u>

Sec. 214. 2001 2nd sp.s. c 7 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation \$ 20,000	
Accident Account--State Appropriation \$ ((14,692,000))	
	<u>14,798,000</u>
Medical Aid Account--State Appropriation \$ ((14,694,000))	
	<u>14,801,000</u>
TOTAL APPROPRIATION \$ ((29,406,000))	
	<u>29,619,000</u>

Sec. 215. 2001 2nd sp.s. c 7 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Municipal Criminal Justice Assistance Account--Local Appropriation \$ 460,000	
Death Investigations Account--State Appropriation \$ 148,000	
Public Safety and Education Account--State Appropriation \$ ((18,439,000))	
	<u>18,148,000</u>
TOTAL APPROPRIATION \$ ((19,047,000))	
	<u>18,756,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) ~~((22,000))~~ \$19,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.

(4) ~~((31,000))~~ \$27,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.

(5) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

~~(6) ((233,000 of the public safety and education account appropriation is provided solely for training and equipping local law enforcement officers to respond to methamphetamine crime-~~

~~(7) \$374,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1062 (certification of peace officers). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.~~

~~(8))~~ \$450,000 of the public safety and education account appropriation is provided solely for grants to be distributed by the Washington association of sheriffs and police chiefs for electronic mapping of school facilities.

Sec. 216. 2001 2nd sp.s. c 7 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2002) \$ ((7,738,000))	<u>5,577,000</u>
General Fund--State Appropriation (FY 2003) \$ ((7,682,000))	<u>5,517,000</u>
General Fund--Federal Appropriation \$ 1,250,000	
Public Safety and Education Account--State Appropriation \$ ((19,862,000))	<u>18,292,000</u>
Public Safety and Education Account--Federal Appropriation \$ 6,950,000	
Public Safety and Education Account--Private/Local Appropriation \$ ((4,200,000))	<u>5,373,000</u>
Asbestos Account--State Appropriation \$ 688,000	
Electrical License Account--State Appropriation \$ 28,412,000	
Farm Labor Revolving Account--Private/Local Appropriation \$ 28,000	
Worker and Community Right-to-Know Account--State Appropriation \$ 2,281,000	
Public Works Administration Account--State Appropriation \$ 2,856,000	
Accident Account--State Appropriation \$ ((179,186,000))	<u>184,219,000</u>
Accident Account--Federal Appropriation \$ 11,568,000	
Medical Aid Account--State Appropriation \$ ((176,715,000))	<u>183,666,000</u>
Medical Aid Account--Federal Appropriation \$ 2,438,000	
Plumbing Certificate Account--State Appropriation \$ ((1,015,000))	<u>1,111,000</u>
Pressure Systems Safety Account--State Appropriation \$ ((2,274,000))	<u>2,525,000</u>
TOTAL APPROPRIATION \$ ((455,143,000))	<u>462,751,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

~~(2) ((\$1,438,000 of the accident account state appropriation and \$1,438,000 of the medical aid account state appropriation are provided for the one time cost of implementing a recent state supreme court ruling regarding the calculation of workers' compensation benefits. This decision significantly increases the complexity of calculating benefits and therefore increases the administrative and legal costs of the workers' compensation program. The department shall develop and report to appropriate committees of the legislature proposed statutory language that provides greater certainty and simplicity in the calculation of benefits. The report shall be submitted by October 1, 2001.~~

~~(3))~~ It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(3) \$300,000 of the medical aid account--state appropriation is provided for a second center of occupational health and education to be located on the east side of the state. These centers train physicians on best practices for occupational medicine and work with labor and business to improve the quality and outcomes of medical care provided to injured workers.

(4) \$5,000,000 of the medical aid account--state appropriation is provided for occupational health and safety grants. The department, in consultation with the WISHA advisory committee, shall establish a program to provide safety and health impact grants to prevent injuries and illnesses, save lives, and educate Washington employees and employers about workplace hazards and safe workplace practices. Using a competitive application process, the department shall award safety and health impact grants to trade associations, business associations, employers, employee organizations, labor unions, and groups of employees. Educational institutions and self-insured employers shall not directly receive grants. The department shall make significant efforts to ensure that not less than forty percent of available grant funds are used for grants whose activities or products are intended to assist and benefit employers and employees in small businesses that employ fewer than fifty employees.

Sec. 217. 2001 2nd sp.s. c 7 s 218 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2002) \$ 999,000

General Fund--State Appropriation (FY 2003) \$ ~~((999,000))~~

969,000

TOTAL APPROPRIATION \$ ~~((1,998,000))~~

1,968,000

Sec. 218. 2001 2nd sp.s. c 7 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2002) \$ ~~((1,529,000))~~

1,577,000

General Fund--State Appropriation (FY 2003) \$ 1,533,000

Charitable, Educational, Penal, and Reformatory Institutions Account--

State Appropriation \$ 7,000

TOTAL APPROPRIATION \$ ~~((3,069,000))~~

	<u>3,117,000</u>
(2) FIELD SERVICES	
General Fund--State Appropriation (FY 2002) \$ 2,619,000	
General Fund--State Appropriation (FY 2003) \$ ((2,643,000))	
	<u>2,580,000</u>
General Fund--Federal Appropriation \$ ((455,000))	
	<u>310,000</u>
General Fund--Private/Local Appropriation \$ 1,663,000	
TOTAL APPROPRIATION \$ ((7,080,000))	
	<u>7,172,000</u>
(3) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2002) \$ ((6,832,000))	
	<u>5,765,000</u>
General Fund--State Appropriation (FY 2003) \$ ((4,600,000))	
	<u>5,516,000</u>
General Fund--Federal Appropriation \$ ((28,699,000))	
	<u>27,437,000</u>
General Fund--Private/Local Appropriation \$ ((25,614,000))	
	<u>22,828,000</u>
TOTAL APPROPRIATION \$ ((65,745,000))	
	<u>61,546,000</u>

The appropriations in this subsection are subject to the following terms and conditions: ~~((3,664,000))~~ \$2,886,000 of the general fund--federal appropriation and ~~((7,377,000))~~ \$5,639,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

NEW SECTION. Sec. 219. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2003) \$ 152,000

The appropriation in this section is subject to the following conditions and limitations: The general fund--state appropriation for fiscal year 2003 is provided for start-up costs of the home care quality authority, a new state agency established by the enactment of Initiative Measure No. 775.

Sec. 220. 2001 2nd sp.s. c 7 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2002) \$ ((65,308,000))	<u>57,337,000</u>
General Fund--State Appropriation (FY 2003) \$ ((66,941,000))	<u>54,940,000</u>
Health Services Account--State Appropriation \$ ((24,186,000))	<u>33,520,000</u>
General Fund--Federal Appropriation \$ ((276,840,000))	<u>297,352,000</u>
General Fund--Private/Local Appropriation \$ ((81,526,000))	<u>82,912,000</u>
Hospital Commission Account--State Appropriation \$ ((1,718,000))	<u>2,305,000</u>
Health Professions Account--State Appropriation \$ ((38,456,000))	

	<u>39,374,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account-- State Appropriation \$ 14,858,000	
Safe Drinking Water Account--State Appropriation \$ ((2,701,000))	<u>2,689,000</u>
Drinking Water Assistance Account--Federal Appropriation \$ ((13,400,000))	<u>13,376,000</u>
Waterworks Operator Certification--State Appropriation \$ 622,000	
<u>Salmon Recovery Account--State Appropriation \$ 182,000</u>	
Water Quality Account--State Appropriation \$ ((3,328,000))	<u>3,304,000</u>
Accident Account--State Appropriation \$ 257,000	
Medical Aid Account--State Appropriation \$ 45,000	
State Toxics Control Account--State Appropriation \$ ((2,817,000))	<u>2,809,000</u>
Medical Test Site Licensure Account--State Appropriation \$ ((1,369,000))	<u>1,801,000</u>
Youth Tobacco Prevention Account--State Appropriation \$ 1,797,000	
Tobacco Prevention and Control Account--State Appropriation \$ ((34,992,000))	<u>43,737,000</u>
TOTAL APPROPRIATION \$ ((631,161,000))	<u>653,217,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, ~~((and))~~ home health and home care, transient accommodations licensing, adult residential rehabilitation facilities licensing, state institution licensing, medical test site licensing, alcoholism treatment facilities licensing, certificate of need, and food handlers programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$339,000))~~, \$157,000 of the general fund--state appropriation for fiscal year 2003, and the salmon recovery account appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) ~~(((\$5,779,000))~~ \$19,778,000 of the health services account--state appropriation ~~((for fiscal year 2002 and \$4,665,000 of the health services account--state appropriation for fiscal year 2003 are))~~ is provided solely for ~~((purchase and distribution of the pneumococcal conjugate vaccine as part~~

~~ef~~) the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

~~(7) (\$58,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute House Bill No. 1590 (breastfeeding). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.~~

~~(8))~~ From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

~~((9))~~ (8) \$533,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,067,000)~~ \$847,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

(9) By October 1, 2002, the department shall establish mechanisms to assure that the HIV early intervention services program operates within appropriated levels. This shall include a system under which the state's contribution to the cost of care is adjusted on a sliding-scale basis.

(10) By December 1, 2002, the department shall report to appropriate committees of the legislature with a feasibility analysis of implementing an electronic filing system for death certificates. The study shall be conducted in consultation and cooperation with local and state registrars, funeral directors, and physicians, and shall include an analysis of applying an additional fee to death certificates to cover the cost of developing and operating the electronic system.

Sec. 221. 2001 2nd sp.s. c 7 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2002, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 between programs. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2002) \$ ((36,156,000))	<u>36,786,000</u>
General Fund--State Appropriation (FY 2003) \$ ((36,365,000))	<u>36,434,000</u>
Public Safety and Education Account--State Appropriation \$ 1,576,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 3,254,000	
TOTAL APPROPRIATION \$ ((77,351,000))	<u>78,050,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2002) \$ ((397,231,000))	<u>404,390,000</u>
General Fund--State Appropriation (FY 2003) \$ ((407,078,000))	<u>412,788,000</u>
General Fund--Federal Appropriation \$ ((42,096,000))	<u>9,142,000</u>
Violence Reduction and Drug Enforcement Account--State Appropriation \$ ((1,614,000))	<u>1,596,000</u>
Public Health Services Account Appropriation \$ 1,453,000	
TOTAL APPROPRIATION \$ ((819,472,000))	<u>829,369,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$1,171,000~~)) \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the

option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) \$53,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6490 (motor vehicle theft). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(j) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2002) \$ ((61,427,000))	<u>68,097,000</u>
General Fund--State Appropriation (FY 2003) \$ ((62,934,000))	<u>75,720,000</u>
General Fund--Federal Appropriation \$ ((4,125,000))	<u>870,000</u>
Public Safety and Education Account--State Appropriation \$ ((15,841,000))	<u>15,493,000</u>
TOTAL APPROPRIATION \$ ((141,327,000))	<u>160,180,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$34,000~~)) \$28,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$ 631,000
General Fund--State Appropriation (FY 2003) \$ 629,000
TOTAL APPROPRIATION \$ 1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general

fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$ 18,568,000
 General Fund--State Appropriation (FY 2003) \$ 18,569,000
 TOTAL APPROPRIATION \$ 37,137,000

Sec. 222. 2001 2nd sp.s. c 7 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2002) \$ ((1,693,000))	<u>1,652,000</u>
General Fund--State Appropriation (FY 2003) \$ ((1,628,000))	<u>1,588,000</u>
General Fund--Federal Appropriation \$ ((11,140,000))	<u>12,643,000</u>
General Fund--Private/Local Appropriation \$ 80,000	
TOTAL APPROPRIATION \$ ((14,541,000))	<u>15,963,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

Sec. 223. 2001 2nd sp.s. c 7 s 223 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2002) \$ 936,000	
General Fund--State Appropriation (FY 2003) \$ ((857,000))	<u>832,000</u>
TOTAL APPROPRIATION \$ ((1,793,000))	<u>1,768,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$78,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider studies on the cost-effectiveness of sentencing alternatives, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with

any recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

Sec. 224. 2001 2nd sp.s. c 7 s 224 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--Federal Appropriation \$ 180,628,000	
General Fund--Private/Local Appropriation \$ 30,119,000	
Unemployment Compensation Administration Account--Federal Appropriation \$ ((181,677,000))	<u>194,167,000</u>
Administrative Contingency Account--State Appropriation \$ 13,914,000	
Employment Service Administrative Account--State Appropriation \$ 20,001,000	
TOTAL APPROPRIATION \$ ((426,339,000))	<u>438,829,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$156,000 of the unemployment compensation administration account is provided solely for the implementation of Substitute House Bill No. 2355 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

PART III
NATURAL RESOURCES

Sec. 301. 2001 2nd sp.s. c 7 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2002) \$ 398,000	
General Fund--State Appropriation (FY 2003) \$ ((391,000))	<u>379,000</u>
General Fund--Private/Local Appropriation \$ 749,000	
TOTAL APPROPRIATION \$ ((1,538,000))	<u>1,526,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$40,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

Sec. 302. 2001 2nd sp.s. c 7 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2002) \$ ((46,633,000))	<u>39,404,000</u>
General Fund--State Appropriation (FY 2003) \$ ((44,481,000))	<u>34,283,000</u>
General Fund--Federal Appropriation \$ 56,805,000	
General Fund--Private/Local Appropriation \$ 4,351,000	
Special Grass Seed Burning Research Account--State Appropriation \$ 14,000	
Reclamation Revolving Account--State Appropriation \$ ((1,810,000))	<u>1,935,000</u>

Flood Control Assistance Account--State Appropriation \$ 4,098,000	
State Emergency Water Projects Revolving Account--State Appropriation \$ 878,000	
Waste Reduction/Recycling/Litter Control Account--State Appropriation \$ ((13,537,000))	
	<u>14,287,000</u>
State Drought Preparedness Account--State Appropriation \$ ((5,325,000))	
	<u>2,575,000</u>
<u>Salmon Recovery Account--State Appropriation \$ 250,000</u>	
State and Local Improvements Revolving Account (Water Supply Facilities)-- State Appropriation \$ 587,000	
Water Quality Account--State Appropriation \$ ((12,481,000))	
	<u>22,985,000</u>
Wood Stove Education and Enforcement Account--State Appropriation \$ 353,000	
Worker and Community Right-to-Know Account--State Appropriation \$ 3,288,000	
State Toxics Control Account--State Appropriation \$ ((68,931,000))	
	<u>70,001,000</u>
State Toxics Control Account--Private/Local Appropriation \$ 350,000	
Local Toxics Control Account--State Appropriation \$ 4,751,000	
Water Quality Permit Account--State Appropriation \$ ((23,827,000))	
	<u>24,210,000</u>
Underground Storage Tank Account--State Appropriation \$ 2,682,000	
Environmental Excellence Account--State Appropriation \$ 504,000	
Biosolids Permit Account--State Appropriation \$ ((589,000))	
	<u>764,000</u>
Hazardous Waste Assistance Account--State Appropriation \$ 4,308,000	
Air Pollution Control Account--State Appropriation \$ ((1,066,000))	
	<u>1,366,000</u>
Oil Spill Prevention Account--State Appropriation \$ 7,921,000	
Air Operating Permit Account--State Appropriation \$ 3,608,000	
Freshwater Aquatic Weeds Account--State Appropriation \$ 1,898,000	
Oil Spill Response Account--State Appropriation \$ 7,078,000	
Metals Mining Account--State Appropriation \$ 5,000	
Water Pollution Control Revolving Account--State Appropriation \$ ((467,000))	
	<u>536,000</u>
Water Pollution Control Revolving Account--Federal Appropriation \$ ((2,316,000))	
	<u>2,802,000</u>
TOTAL APPROPRIATION \$ ((324,942,000))	
	<u>318,877,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, \$3,874,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill prevention account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) (~~(\$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003, \$564,000)~~) \$814,000 of the state drought preparedness account--state appropriation, (~~and~~) \$549,000 of the water quality account--state appropriation, and \$250,000 of the salmon recovery account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7)(a) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy. (~~(\$54,000 of this amount shall be allocated to the department of health to assist with this effort.)~~)

(b) In developing its persistent bioaccumulative toxic chemical strategy, the department must:

(i) First develop a planned strategy for the reduction of mercury from the environment. This strategy will be known as the mercury chemical action plan. The development of the mercury chemical action plan will be a model for developing all future chemical action plans;

(ii) Develop a mercury chemical action plan that includes, but is not limited to: (A) Identifying current mercury uses in Washington; (B) analyzing current state and federal laws, regulations, rules, and voluntary measures that can be used to reduce or eliminate mercury; (C) identifying mercury reduction and elimination options; and (D) implementing actions to reduce or eliminate mercury uses and releases;

(iii) Involve an advisory committee of up to twelve members composed of adequate and balanced representation of local government, business, agriculture, and environmental, public health, and community groups in the development of the mercury chemical action plan. In addition, the department must invite and strongly encourage any interested tribes or federal agencies to participate in the advisory committee process. The advisory committee must be involved in the development of the mercury chemical action plan. All information that will serve as the basis for any decisions in the mercury chemical action plan's development must be available to the advisory committee members. The advisory committee has sixty days to provide input to the department on the elements of the mercury chemical action plan. The comments and suggestions made by the advisory committee must be considered by the department; however, consensus of the advisory committee is not necessary for the department to move forward in the development of the mercury chemical action plan. All meetings of the advisory committee are subject to the provisions of chapter 42.30 RCW. The advisory committee for the mercury chemical action plan must be established by April 15, 2002;

(iv) By August 31, 2002, develop and issue a draft mercury chemical action plan in consultation with the advisory committee. Following the release of the draft plan, the department must allow for a sixty-day public comment period. The advisory committee, following the comment period, shall consider the public comments received; and

(v) The department shall finalize the mercury chemical action plan by December 31, 2002. The final mercury chemical action plan, developed after considering the public comments and the input of the advisory committee, must outline actions for the department to take, including, but not

limited to, the development of any rules and recommending any legislation. Implementation must begin no later than February 1, 2003.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

(13) ~~(\$4,500,000 of the general fund--state appropriation for fiscal year 2002 and \$4,500,000 of the general fund--state appropriation for fiscal year 2003 are)~~ \$9,000,000 of the water quality account--state appropriation is provided solely for grants to local governments to conduct watershed planning and technical assistance. At least \$7,000,000 shall be distributed as grants and shall include \$200,000 for facilitation of the central Puget Sound regional initiative.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) ~~(\$2,100,000)~~ \$1,200,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

~~((18))~~ (15) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

~~((19))~~ (16) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

~~((20) \$1,700,000)~~ (17) \$1,352,000 of the general fund--state appropriation for fiscal year 2002, \$700,000 of the general fund--state appropriation for fiscal year 2003, \$700,000 of the water quality account appropriation, and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation ((is)) and the water quality account appropriation are provided solely for the department of ecology to provide for charter safety tug services(~~(-- Safety tug services shall include: (i)), including the placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002(;- and (ii) other safety tug services that may be released by the department at the request of the United States coast guard captain of the port for Puget Sound to the areas or incidents that the department deems to be of highest concern)~~) and fiscal year 2003. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

~~((21))~~ (18) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(19) \$200,000 of the water quality account appropriation is provided solely for activities associated with development of the Willapa River total maximum daily load (TMDL). The activities shall include but are not limited to: (a) A contract with Pacific county to complete the oxygen/bacteria and temperature model for the TMDL, conduct a technical analysis of local options for waste load allocations, and develop the first draft of the waste load allocation plan; and (b) a contract for facilitation services for a public process for the TMDL, assist in reaching consensus between parties involved in the technical work, help ensure that there is an accurate public record, and provide a forum for the waste load allocation.

(20) \$175,000 of the biosolids permit account is provided solely to develop a statewide septage strategy. The department shall work with affected stakeholders to address septage permit requirements, changes to existing rules, clarification of state and local responsibilities, and fee structure changes that are necessary to support the program in future biennia. The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2003.

(21) \$189,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for facilitation services and the following activities:

(a)(i) A joint task force is created to study judicial and administrative alternatives for resolving water disputes. The task force shall be organized and led by the office of the attorney general. In addition to the office of the attorney general, members of the task force shall include:

(A) Representatives of the legislature, including one member from each caucus appointed by the president of the senate and the speaker of the house of representatives;

(B) Representatives of the superior courts appointed by the president of the superior court judges association, and shall include two judicial officers of the superior court from eastern Washington and two judicial officers of the superior court from western Washington;

(C) A representative of the state court of appeals appointed by the chief justice of the state supreme court;

(D) A representative of the environmental hearings office; and

(E) A representative of the department of ecology.

(ii) The objectives of the task force are to:

(A) Examine and characterize the types of water disputes to be resolved;

(B) Examine the approach of other states to water dispute resolution;

(C) Recommend one or more methods to resolve water disputes, including, but not limited to, an administrative resolution process; a judicial resolution process such as water court; or any combination thereof; and

- (D) Recommend an implementation plan that will address:
- (I) A specific administrative structure for each method used to resolve water disputes;
- (II) The cost to implement the plan; and
- (III) The changes to statutes and administrative rules necessary to implement the plan.
- (iii) The office of the attorney general shall work with the staff of the standing committees of the legislature with jurisdiction over water resources to research and compile information relevant to the mission of the task force by December 31, 2002.
- (iv) The task force shall submit its report to the appropriate committees of the legislature no later than December 30, 2003.
- (b) The department of ecology and the attorney general's office shall conduct a study to identify possible ways to streamline the water right general adjudication procedures. By December 1, 2002, the agencies will report on their findings and recommendations to the legislature.
- (c)(i) The legislature finds that it is in the public interest to investigate the feasibility of conducting negotiations with other states and Canada regarding use of water bodies they share with the state of Washington.
- (ii) The governor, or the governor's designee, shall consult with the states that share water bodies with the state of Washington, with Canada, and with other states that have conducted similar negotiations, regarding issues and strategies in those negotiations and shall report to the standing committees of the legislature having jurisdiction over water resources by January 1, 2003.
- (iii) In conducting the consultations under this subsection (c), the governor shall give priority consideration to the interstate issues affecting the Spokane-Rathdrum Prairie aquifer including those issues affecting a safe and adequate supply of public drinking water, as provided by municipal governments.
- (d) By October 1, 2002, the department of ecology shall provide to the appropriate standing committees of the legislature, a plan, schedule, and budget for improving the administration of water right records held by the department of ecology. The department of ecology shall work with the department of revenue and with county auditors in developing recommendations for improving the administration of water rights ownership information and integrating this information with real property ownership records. The department of ecology shall evaluate the need for grants to counties to assist with recording and information management needs related to water rights ownership and title.
- (22) For applicants that meet eligibility requirements, the department of ecology shall consider individual stormdrain treatment systems to be classified as "activity" projects and eligible for grant funding provided under section 319 the federal Clean Water Act. These projects shall be prioritized for funding along with other grant proposals. Receipt of funding shall be based on this prioritization.

Sec. 303. 2001 2nd sp.s. c 7 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2002) \$ ((32,298,000))	<u>32,198,000</u>
General Fund--State Appropriation (FY 2003) \$ ((32,866,000))	<u>30,340,000</u>
General Fund--Federal Appropriation \$ 2,690,000	
General Fund--Private/Local Appropriation \$ 60,000	
Winter Recreation Program Account--State Appropriation \$ ((787,000))	<u>1,087,000</u>
Off Road Vehicle Account--State Appropriation \$ 274,000	
Snowmobile Account--State Appropriation \$ 4,682,000	
Aquatic Lands Enhancement Account--State Appropriation \$ 337,000	
Public Safety and Education Account--State Appropriation \$ ((48,000))	<u>47,000</u>
<u>Salmon Recovery Account--State Appropriation \$ 200,000</u>	
Water Trail Program Account--State Appropriation \$ 24,000	

Parks Renewal and Stewardship Account--State Appropriation \$ ((26,420,000))	27,193,000
TOTAL APPROPRIATION \$ ((100,486,000))	<u>99,132,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2001-03 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

~~(3) ((The appropriation in this section from the off road vehicle account--state is provided under RCW 46.09.170(1)(c) and is provided solely to bring off road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.~~

~~(4))~~ (4) \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

~~((5))~~ (4) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

~~((6))~~ (5) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(6) The task force on the funding of state parks and outdoor recreation is hereby created, to consider and develop legislation on the operation and funding of the state parks and outdoor recreation programs of the state. The committee shall be composed of fifteen members, four members of the senate appointed by the president of the senate and to include two members from each caucus, four members of the house of representatives appointed by the speaker of the house of representatives and to include two members from each caucus, three members appointed by the governor and to include at least one representative of a broad coalition of users of the state's parks and outdoor recreation programs, one member appointed by the commissioner of public lands, one member appointed by the chair of the fish and wildlife commission, and one member appointed by the chair of the state parks and recreation commission, and one member appointed by the interagency committee for outdoor recreation. The task force shall elect its own officers, shall be staffed by staff of the legislature, the executive agencies, and the office of the governor, and may appoint an advisory committee of additional persons and organizations interested in the operation and funding of state parks and outdoor recreation. The task force shall specifically review and incorporate into its work the reports prepared pursuant to budget provisos by the Washington state parks and recreation commission regarding its operating budget needs, deferred maintenance backlog, and capital facilities renovation and replacement requirements. The task force shall prepare recommendations for improving the operation of state parks and outdoor recreation programs and for securing adequate funding on a permanent basis for supporting the needs of the state parks and outdoor recreation programs of the state, including a legislative proposal for the implementation of an evergreen recreation pass that would combine the various permits and licenses of the participating agencies into a single pass for recreational day use. The recommendations shall be developed no later than January 1, 2003, and shall be designed for enactment by the legislature during 2003 for implementation in the 2005-07 biennium. The task force shall cease to exist on June 30, 2003.

Sec. 304. 2001 2nd sp.s. c 7 s 304 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 General Fund--State Appropriation (FY 2002) \$ ((393,000))

General Fund--State Appropriation (FY 2003) \$ ((395,000))	<u>143,000</u>
General Fund--Federal Appropriation \$ 8,358,000	
Firearms Range Account--State Appropriation \$ 13,000	
<u>Salmon Recovery Account--State Appropriation \$ 500,000</u>	<u>180,000</u>
Recreation Resources Account--State Appropriation \$ 2,584,000	
Recreation Resources Account--Federal Appropriation \$ 481,000	
NOVA Program Account--State Appropriation \$ 611,000	
Water Quality Account--State Appropriation \$ 700,000	
State Toxics Control Account--State Appropriation \$ 500,000	
Aquatic Lands Enhancement Account--State Appropriation \$ 200,000	
TOTAL APPROPRIATION \$ ((14,235,000))	<u>14,270,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003))~~ \$500,000 of the salmon recovery account appropriation, \$500,000 of the water quality account appropriation, and \$500,000 of the state toxics control account appropriation are provided solely to implement chapter 298, Laws of 2001, Substitute Senate Bill No. 5637 (watershed health monitoring and assessment) and for the development of a comprehensive salmon recovery and watershed health monitoring strategy and action plan. The strategy and action plan shall address the monitoring recommendations of the independent science panel in its report, *Recommendations for Monitoring Salmonid Recovery in Washington State* (December 2000), and of the joint legislative audit and review committee in its report *Investing in the Environment: Environmental Quality Grant and Loan Programs Performance Audit* (January 2001). The action plan shall include an assessment of state agency operations related to monitoring, evaluation, and adaptive management of salmon recovery and watershed health; any operational or statutory changes necessary to implement the strategy and action plan; and funding recommendations.

(2) \$8,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) By August 1, 2001, the interagency committee for outdoor recreation shall complete the public lands inventory project and submit the project report to the joint legislative audit and review committee for review.

(4) \$200,000 of the aquatic lands enhancement account--state appropriation is provided solely to develop and implement a conservation initiative for Maury Island. The interagency committee for outdoor recreation shall contract with the Cascade Land Conservancy to develop and implement the initiative and to provide the following services: (a) Land and resource appraisal; (b) development of a plan of finance for acquisition of land or interests in land; and (c) conduct negotiations among purchasers and willing sellers.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the interagency committee for outdoor recreation to convene and facilitate a biodiversity conservation committee to develop recommendations for a state biodiversity program. Up to \$32,000 of this amount may be granted, on a competitive basis, to conduct a review of biodiversity programs and develop recommendations. The grant agreement must be conditioned to require that at least an amount of funding equal to the state grant be applied to the project from nonstate sources. The grantee must provide a final report describing its review and recommendations to the governor and the appropriate standing committees of the senate and house of representatives by October 1, 2003.

Sec. 305. 2001 2nd sp.s. c 7 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2002) \$ 846,000

General Fund--State Appropriation (FY 2003) \$ ((~~847,000~~))

TOTAL APPROPRIATION \$ ((1,693,000))	<u>822,000</u>
	<u>1,668,000</u>

Sec. 306. 2001 2nd sp.s. c 7 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2002) \$ ((2,207,000))	<u>2,141,000</u>
General Fund--State Appropriation (FY 2003) \$ ((2,196,000))	<u>2,131,000</u>
Water Quality Account--State Appropriation \$ ((3,739,000))	<u>3,498,000</u>
TOTAL APPROPRIATION \$ ((8,142,000))	<u>7,770,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the water quality account--state appropriation is provided solely for the agriculture, fish, and water negotiations to develop best management practices that will protect and recover salmon. The commission shall make grants to allow interest groups to participate in the negotiations.

(2) ((~~\$1,601,000~~)) \$801,000 of the water quality account--state appropriation is provided solely for the completion of limiting factors analysis for watersheds affected by listings of salmon and bull trout under the federal endangered species act.

(3) \$247,000 of the general fund--state appropriation for fiscal year 2002 and \$247,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(4) By March 1, 2002, the conservation reserve enhancement program contract with the federal farm service agency shall be proposed for amendment to allow funding of flexible riparian buffer standards consistent with: (a) The recommendations of the state's agriculture/fish/water negotiation process; or (b) ordinances adopted through municipal regulations in compliance with the state growth management act requirement to protect critical areas. These ordinances shall be scientifically defensible and include programs for monitoring and adaptive management.

Sec. 307. 2001 2nd sp.s. c 7 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2002) \$ ((51,600,000))	<u>46,375,000</u>
General Fund--State Appropriation (FY 2003) \$ ((50,762,000))	<u>44,334,000</u>
General Fund--Federal Appropriation \$ ((37,366,000))	<u>37,716,000</u>
General Fund--Private/Local Appropriation \$ 24,365,000	
Off Road Vehicle Account--State Appropriation \$ 475,000	
Aquatic Lands Enhancement Account--State Appropriation \$ ((6,094,000))	<u>5,133,000</u>
Public Safety and Education Account--State Appropriation \$ ((586,000))	<u>574,000</u>
Recreational Fisheries Enhancement Account--State Appropriation \$ ((3,032,000))	<u>3,354,000</u>
<u>Salmon Recovery Account--State Appropriation \$ 1,612,000</u>	
Warm Water Game Fish Account--State Appropriation \$ 2,567,000	
Eastern Washington Pheasant Enhancement Account--State Appropriation \$ 750,000	
Wildlife Account--State Appropriation \$ ((48,518,000))	<u>50,680,000</u>

Wildlife Account--Federal Appropriation \$ 38,182,000
 Wildlife Account--Private/Local Appropriation \$ 15,133,000
 Game Special Wildlife Account--State Appropriation \$ 1,941,000
 Game Special Wildlife Account--Federal Appropriation \$ 9,591,000
 Game Special Wildlife Account--Private/Local Appropriation \$ 350,000
 (~~Water Quality Account--State Appropriation \$ 1,000,000~~)
 Environmental Excellence Account--State Appropriation \$ 15,000
 Regional Fisheries Salmonid Recovery Account--Federal Appropriation \$ 1,750,000
 Oil Spill Administration Account--State Appropriation \$ 963,000
 Oyster Reserve Land Account--State Appropriation \$ 135,000
 TOTAL APPROPRIATION \$ (~~295,175,000~~)

285,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$1,682,000~~ of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,682,000)~~ \$1,189,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.

~~(3) (\$550,000 of the general fund--state appropriation for fiscal year 2002 and \$550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salmonid smolt production monitoring.~~

~~(4))~~ \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.

~~((5))~~ (4) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

~~((6) \$1,625,000 of the general fund--state appropriation for fiscal year 2002 and \$1,625,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund grants to lead entities established under chapter 77.85 RCW. The department, in consultation with the lead entity advisory group and individual lead entities, shall establish an application process and evaluation criteria to allocate funds to up to 26 lead entities to provide core activities identified in chapter 77.85 RCW. Grants to individual lead entities may range from \$37,500 to \$150,000 per year.~~

~~(7) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are))~~ (5) \$250,000 of the salmon recovery account appropriation is provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

~~((8) \$1,000,000 of the water quality--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans. The department shall establish a model for local and regional plans as well as eligibility and evaluation criteria for distribution of funds to lead entities and watershed planning units. No annual grant shall exceed \$125,000 per year.~~

~~(9))~~ (6) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

~~((10) \$300,000)~~ (7) \$200,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$300,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided

solely to fund ~~((four))~~ three cooperative compliance programs, ~~((two))~~ both in Western ~~((Washington))~~ and ~~((two in))~~ Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

~~((11))~~ \$1,300,000 of the general fund--state appropriation for fiscal year 2002) (8) \$1,300,000 of the salmon recovery account appropriation, \$400,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

~~((12))~~ \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

~~((13))~~ (9) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

~~((14))~~ The department shall evaluate the fish program to determine if activities are aligned with agency objectives and if specific activities support the agency's strategic plan.

~~((15))~~ (10) \$75,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the department to execute an interagency agreement with the joint legislative audit and review committee to complete an independent organizational and operational review of the fish management division of the fish program. This review shall include:

(a) Identifying those actual functions carried out by the fish management division, including all expenditures by fund source linked to those functions, and the agency's rationale for its current staffing and expenditure levels;

(b) Distinguishing those specific division activities and expenditures that are mandated by court decisions, federal laws or treaties, federal contracts, state laws, and fish and wildlife commission directives, as apart from department discretionary policies;

(c) Reviewing the extent to which division activities and related program expenditures contribute to meeting legislative intent, agency goals, and programmatic objectives; and

(d) Evaluating how performance in meeting intent, goals, and objectives through program activities is measured, reported, and improved.

The committee shall provide a status report on this review to the appropriate legislative policy and fiscal committees by November 1, 2002, and a final report by December 1, 2003.

(11) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

~~((16))~~ (12) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

~~((17))~~ (13) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

~~((18))~~ (14) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

~~((19))~~ (15) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop,

fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

~~((20))~~ (16) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

~~((21))~~ (17) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

~~((22))~~ (18) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

~~((23))~~ (19) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

~~((24))~~ (20) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

(21) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(22) The fish and wildlife commission shall evaluate the adequacy, structure, and amount of fees for hunting and fishing licenses and make recommendations for revision of the fee structure and schedule as appropriate. The evaluation shall consider, but is not limited to: Assessment of the fish and wildlife resource management needs, fees in adjacent states and countries, and efficiencies made possible through automation. The commission shall report to the legislature and the office of financial management by November 1, 2002.

(23) The department shall establish a hydraulic project approval program technical review task force. The task force shall be composed of a balanced representation of both hydraulic project proponents and conservation interests. The task force shall conduct a thorough evaluation of the hydraulic project approval program and make recommendations to the legislature by November 30, 2002, based upon its evaluation. The task force recommendations shall include a potential fee structure and schedule for hydraulic project approval permits.

Sec. 308. 2001 2nd sp.s. c 7 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2002) \$ ((36,709,000))	<u>35,949,000</u>
General Fund--State Appropriation (FY 2003) \$ ((36,266,000))	<u>30,465,000</u>
General Fund--Federal Appropriation \$ ((3,440,000))	<u>10,936,000</u>
General Fund--Private/Local Appropriation \$ ((1,865,000))	<u>2,265,000</u>
Forest Development Account--State Appropriation \$ ((52,511,000))	<u>50,088,000</u>
Off Road Vehicle Account--State Appropriation \$ 3,684,000	
Surveys and Maps Account--State Appropriation \$ 2,689,000	
Aquatic Lands Enhancement Account--State Appropriation \$ ((4,458,000))	<u>3,923,000</u>
Resources Management Cost Account--State Appropriation \$ ((85,979,000))	<u>79,156,000</u>

Surface Mining Reclamation Account--State Appropriation \$ ((2,549,000))	<u>2,416,000</u>
Salmon Recovery Account--State Appropriation \$ 625,000	
Water Quality Account--State Appropriation \$ 2,900,000	
Aquatic Land Dredged Material Disposal Site Account--State Appropriation \$ 1,056,000	
Natural Resource Conservation Areas Stewardship Account Appropriation \$ ((34,000))	<u>209,000</u>
<u>State Toxics Account--State Appropriation \$ 1,865,000</u>	
Air Pollution Control Account--State Appropriation \$ 629,000	
Metals Mining Account--State Appropriation \$ 64,000	
Agricultural College Trust Management Account Appropriation \$ 1,790,000	
<u>Derelict Vessel Removal Account--State Appropriation \$ 89,000</u>	
TOTAL APPROPRIATION \$ ((237,248,000))	<u>230,798,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) ~~(\$895,000)~~ \$354,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 shall be transferred to the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

~~((7))~~ (6) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

~~((8))~~ ~~The appropriation from the off road vehicle account--state is provided under RCW 46.09.170(1)(a)(ii) and is provided solely for projects that bring off road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources.~~

~~(9))~~ (7) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

~~((10))~~ (8) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, ~~((2002))~~ 2003. The department, in consultation with the attorney

general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

~~((11))~~ (9) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

~~((12))~~ (10) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

~~((13))~~ (11) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and ~~(\$7,657,859)~~ \$4,153,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

~~((14))~~ (12) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

~~((15) \$275,000)~~ (13) \$100,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$275,000 of the general fund--state appropriation for fiscal year 2003, and)~~ \$550,000 of the aquatic lands enhancement account--state appropriation, and \$209,000 of the natural resources conservation areas stewardship account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

~~((16))~~ (14) \$187,000 of the general fund--state appropriation for fiscal year 2002~~((7))~~ and \$188,000 of the general fund--state appropriation for fiscal year 2003~~((, and \$375,000 of the aquatic lands enhancement account--state appropriation))~~ are provided solely to the department for maintenance and stewardship of public lands.

~~((17))~~ (15) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

(16) Fees approved by the board of natural resources for filing and recording surveys are authorized to exceed the fiscal growth factor under RCW 43.135.055 for 2002.

(17) The entire state toxics control account appropriation is provided solely for the department to meet its settlement obligation with the U.S. Environmental Protection Agency for the clean-up of the Thea Foss Waterway.

(18) In managing natural resources conservation areas and recreation sites in the San Juan Islands, the department shall employ cost-recovery methods comparable to those employed at similarly situated state park facilities.

(19) \$250,000 of the resource management cost account--state appropriation and \$250,000 of the forest development account--state appropriation are deposited in the contract harvesting revolving account--nonappropriated to implement Substitute Senate Bill No. 6257 (contract harvesting). If Substitute Senate Bill No. 6257 is not enacted the deposit in this subsection shall not occur.

(20) Within the amounts appropriated in this section, the department shall review the current procedures used to mobilize resources to fight forest fires under the state mobilization plan and through the department of natural resources. The review must include recommendations to ensure that the people closest to a fire are called first, to allow private contractors to be mobilized under the state mobilization plan, and to identify other efficiencies. The department shall review recent studies regarding ways to improve forest fire fighting in the state. The department shall consult with representatives of private contractors, fire districts, municipal fire departments, the state fire marshal, appropriate federal agencies, and other interested groups in developing the recommendations. The department shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 2003.

(21) \$4,000,000 of the resource management cost account appropriation is provided solely for the purposes of RCW 79.64.020 and is contingent upon the establishment, management, and protection of the following marine reserves: Tidelands and bedlands adjacent to Cherry Point in Whatcom county; tidelands and bedlands surrounding Maury Island in King county; tidelands, bedlands, harbor areas, and waterways adjacent to the Puyallup River delta, within Commencement Bay in Pierce county; tidelands and bedlands surrounding Cypress Island in Skagit county; and tidelands and bedlands within Fidalgo Bay in Skagit county.

Sec. 309. 2001 2nd sp.s. c 7 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2002) \$ ((8,165,000))	<u>7,815,000</u>
General Fund--State Appropriation (FY 2003) \$ ((8,024,000))	<u>7,434,000</u>
General Fund--Federal Appropriation \$ ((4,636,000))	<u>7,441,000</u>
General fund--Private/Local Appropriation \$ 1,110,000	
Aquatic Lands Enhancement Account--State Appropriation \$ 2,304,000	
State Toxics Control Account--State Appropriation \$ ((2,672,000))	<u>2,917,000</u>
TOTAL APPROPRIATION \$ ((26,911,000))	<u>29,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) (~~(\$832,000)~~) \$1,077,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, sample and analyze surface waters for pesticide residues, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a (~~four year~~) plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) (~~(\$350,000 of the general fund--state appropriation for fiscal year 2002, \$350,000 of the general fund--state appropriation for fiscal year 2003,)~~) \$700,000 of the general fund--federal appropriation and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture). (~~(Of these amounts, \$40,000 of the general fund--state appropriation is provided solely to match funds provided by the red raspberry commission to address unfair trade practices by other countries that result in sales in Washington that are below the cost of production in Washington.)~~)

(6) \$450,000 of the state toxics control account--state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458-075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

PART IV
TRANSPORTATION

Sec. 401. 2001 2nd sp.s. c 7 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2002) \$ ((5,389,000))	<u>5,366,000</u>
General Fund--State Appropriation (FY 2003) \$ ((5,377,000))	<u>5,300,000</u>
Architects' License Account--State Appropriation \$ ((707,000))	<u>684,000</u>
Cemetery Account--State Appropriation \$ ((214,000))	<u>200,000</u>
Professional Engineers' Account--State Appropriation \$ ((3,032,000))	<u>3,102,000</u>
Real Estate Commission--State Appropriation \$ ((6,777,000))	<u>6,837,000</u>
Master License Account--State Appropriation \$ ((8,409,000))	<u>8,278,000</u>
Uniform Commercial Code Account--State Appropriation \$ ((3,104,000))	<u>2,900,000</u>
Real Estate Education Account--State Appropriation \$ ((301,000))	<u>276,000</u>
Funeral Directors and Embalmers Account--State Appropriation \$ ((490,000))	<u>459,000</u>
Washington Real Estate Research Account Appropriation \$ ((316,000))	<u>307,000</u>
Data Processing Revolving Account--State Appropriation \$ 23,000	
<u>Derelict Vessel Removal Account--State Appropriation \$ 86,000</u>	
TOTAL APPROPRIATION \$ ((34,139,000))	<u>33,818,000</u>

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

Sec. 402. 2001 2nd sp.s. c 7 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2002) \$ ((21,890,000))	<u>21,567,000</u>
General Fund--State Appropriation (FY 2003) \$ ((8,066,000))	<u>7,933,000</u>
General Fund--Federal Appropriation \$ 4,178,000	
General Fund--Private/Local Appropriation \$ 369,000	
Death Investigations Account--State Appropriation \$ ((3,899,000))	<u>4,024,000</u>
Public Safety and Education Account--State Appropriation \$ ((16,070,000))	<u>14,769,000</u>
County Criminal Justice Assistance Account--State Appropriation \$ ((2,490,000))	<u>2,870,000</u>
Municipal Criminal Justice Assistance Account--State Appropriation \$ ((987,000))	

Fire Service Trust Account--State Appropriation \$ 125,000	<u>1,367,000</u>
Fire Service Training Account--State Appropriation \$ 6,328,000	
State Toxics Control Account--State Appropriation \$ 461,000	
Violence Reduction and Drug Enforcement Account--State Appropriation \$ ((277,000))	
	<u>274,000</u>
Fingerprint Identification Account--State Appropriation \$ ((3,684,000))	
	<u>5,316,000</u>
TOTAL APPROPRIATION \$ ((68,824,000))	<u>69,581,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

~~((6) Beginning in fiscal year 2003, the funding provided in this subsection assumes a transfer of \$12,634,000 of state patrol expenditures from the omnibus operating budget to the transportation budget. If new transportation revenue is not enacted before this time, the omnibus budget will restore this funding in the 2002 legislative session.))~~

(5) Within the amounts appropriated in this section, funding is provided to implement Substitute House Bill No. 2468 (offender DNA database).

PART V EDUCATION

Sec. 501. 2001 2nd sp.s. c 7 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS	
General Fund--State Appropriation (FY 2002) \$ ((12,357,000))	<u>12,302,000</u>
General Fund--State Appropriation (FY 2003) \$ ((12,266,000))	<u>12,000,000</u>
General Fund--Federal Appropriation \$ ((23,668,000))	<u>53,760,000</u>
TOTAL APPROPRIATION \$ ((48,291,000))	<u>78,062,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$11,394,000)~~ \$11,101,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, a maximum of \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) ~~(\$541,000)~~ \$486,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$441,000)~~ \$481,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation ~~((for fiscal year 2002))~~, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$431,000)~~ \$418,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$49,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to support the joint task force on local effort assistance created by House Bill No. 3011.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((17,274,000))	<u>17,280,000</u>
General Fund--State Appropriation (FY 2003) \$ ((19,407,000))	<u>9,990,000</u>
General Fund--Federal Appropriation \$ ((213,016,000))	<u>85,395,000</u>
TOTAL APPROPRIATION \$ ((249,697,000))	<u>112,665,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 ~~((and a maximum of \$150,000 of the fiscal year 2003 appropriation are))~~ is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(\$2,621,000)~~ \$2,542,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(\$100,000)~~ \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law

enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$103,000)~~) \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$250,000)~~) \$243,000 of the general fund--state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of (~~(\$6,042,000)~~) \$6,048,000 of the general fund--state appropriation for fiscal year 2002 (~~and a maximum of \$6,028,000 of the general fund--state appropriation for fiscal year 2003 are~~) is provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of (~~(\$200,000)~~) \$194,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall

be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$150,000)~~) \$145,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants; and

(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2003 are)~~) is provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$2,000,000)~~) \$1,940,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$1,112,000)~~) \$1,079,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(iii) \$92,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for a study of technology in the public schools subject to the following conditions and limitations:

(A) The superintendent shall convene a technology in education task force to develop recommendations about the use of technology and recommendations about funding technology in the schools after conducting a study. The study shall focus on the application of technology in grades three through twelve. The study shall be completed not later than November 1, 2002, and the recommendations shall be submitted to the education and fiscal committees of the house of representatives and the senate. The study shall include but not be limited to:

(1) The technology currently available in schools and school districts. Technology includes but is not limited to computers, local area networks, and access to electronic media on the internet;

(2) Methods school districts are using currently to fund technology and recommendations for the future;

(3) Plans to update the technology including any replacement schedules;

(4) Training in the use of technology;

(5) Integration of technology into the curriculum;

(6) The different uses of technology in upper elementary grades, middle school, and high school; and

(7) Applications of technology in schools in other states and how that technology is funded.

(B) The technology in education task force shall consist of the following voting members or their designees: One member from each major caucus of the senate, appointed by the president of the senate; one member from each major caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction; the chair of the

information services board; one representative of the community and technical colleges, appointed by the state board for community and technical colleges; one educational service district superintendent, one school district superintendent, one principal, and one teacher, each appointed by the superintendent of public instruction; two representatives appointed by the higher education coordinating board; and three representatives of the computer or digital technology industry and three members of the general public, each appointed by the superintendent of public instruction. The superintendent of public instruction, or designee, shall chair the task force.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$1,975,000)~~) \$1,916,000 of the general fund--state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed (~~(\$28,318)~~) \$28,300. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$31,500)~~) \$31,000 of the general fund--state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$150,000)~~) \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2003 are)~~) is provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2003 are)~~) is provided for educational centers, including state support activities. (~~(\$100,000)~~) \$50,000 of this amount for fiscal year 2002 is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than (~~(\$100,000 a biennium)~~) \$50,000 a fiscal year.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$50,000 of the general fund--state appropriation for fiscal year 2003 are)~~) is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$1,262,000)~~) \$1,224,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$100,000)~~) \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) \$9,900,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$150,000)~~) \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) (~~(\$30,700,000)~~) \$13,942,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) (~~(\$1,952,000)~~) \$4,962,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and

development of technology products that enhance professional development and classroom instruction.

(xiii) (~~(\$423,000)~~) \$536,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) \$12,318,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) (~~(\$4,228,000)~~) \$2,612,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

Sec. 502. 2001 2nd sp.s. c 7 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2002) \$ ((3,760,826,000))	<u>3,786,124,000</u>
General Fund--State Appropriation (FY 2003) \$ ((3,751,350,000))	<u>3,711,897,000</u>
TOTAL APPROPRIATION \$ ((7,512,176,000))	<u>7,498,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for the 2001-02 school year and an additional 0.8 certificated instructional staff units for the 2002-03 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact

hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students (~~(in grades K-4)~~) in the 2001-02 school year and 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio in the 2001-02 school year, and up to 1.3 of the 54.0 funding ratio in the 2002-03 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students in (~~grades K-4~~) the 2001-02 school year, and a ratio equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year, may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; (~~and~~)

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2002-03 school year, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students((-));

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of (~~(41.27)~~) 10.76 percent in the 2001-02 school year and (~~(41.27)~~) 9.57 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of (~~(12.92)~~) 12.73 percent in the 2001-02 school year and (~~(12.92)~~) 12.36 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of ~~((\$8,715))~~ \$8,604 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of ~~((\$21,401))~~ \$21,129 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of ~~((\$16,606))~~ \$16,395 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((\$6,510,000))~~ \$6,424,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of ~~((\$491,000))~~ \$485,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended ~~((each))~~ for the 2001-02 fiscal year and a maximum of \$2,035,000 for the 2003 fiscal year;

(c) A maximum of ~~((\$343,000))~~ \$341,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 ~~((per))~~ for fiscal year 2002 and \$485,000 for fiscal year 2003 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year ~~((, and 3.3 percent from the 2000-01 school year to the 2002-03 school year))~~.

(11) For purposes of RCW 84.52.0531, the increase in appropriations per full-time equivalent student provided in this act, including appropriations for salary and benefits increases, is 2.9 percent from the 2001-02 school year to the 2002-03 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2001 2nd sp.s. c 7 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION
EMPLOYEE COMPENSATION.**

(1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) For school year 2001-02, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; (~~and~~)

(b) For school year 2002-03, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1S; and

(c) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2001-02 and 2002-03 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on (~~March 13, 2001, at 16:32 hours~~) March 11, 2002, at 22:32 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of (~~(10.63)~~) 10.12 percent for school year(~~s~~) 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and (~~(9.42)~~) for classified staff 9.23 percent for school year(~~s~~) 2001-02 and 8.86 percent for the 2002-03 (~~for classified staff~~) school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Schedule for Certificated Instructional Staff
2001-02 School Year

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0	27,467	28,209	28,977	29,746	32,219
1	27,836	28,588	29,366	30,171	32,668
2	28,464	29,231	30,025	30,900	33,414
3	29,401	30,192	31,009	31,931	34,490

4 30,063 30,896 31,727 32,689 35,290
 5 30,750 31,595 32,443 33,468 36,085
 6 31,147 31,974 32,850 33,928 36,531
 7 32,164 33,010 33,909 35,055 37,724
 8 33,195 34,088 35,008 36,248 38,954
 9 35,205 36,169 37,455 40,223
 10 37,344 38,724 41,529
 11 40,029 42,895
 12 41,293 44,298
 13 45,736
 14 47,181
 15 48,408
 16 or more 49,376

Years of MA+ 90
 Service BA+ 135 MA MA+ 45 or PHD

0 33,811 32,931 35,403 36,996
 1 34,252 33,297 35,793 37,377
 2 35,030 33,995 36,509 38,124
 3 36,177 35,027 37,585 39,273
 4 37,007 35,755 38,355 40,072
 5 37,853 36,503 39,121 40,889
 6 38,308 36,904 39,508 41,285
 7 39,569 38,031 40,700 42,546
 8 40,867 39,225 41,930 43,843
 9 42,201 40,430 43,200 45,177
 10 43,572 41,700 44,505 46,549
 11 44,979 43,005 45,872 47,956
 12 46,446 44,362 47,275 49,422
 13 47,947 45,766 48,712 50,923
 14 49,505 47,212 50,251 52,481
 15 50,792 48,439 51,557 53,846
 16 or more 51,808 49,407 52,589 54,923

K-12 Allocation Salary Schedule For Certificated Instructional Staff
 2002-03 School Year

~~(Years of~~
~~Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90~~

~~0 28,318 29,083 29,875 30,668 33,217~~
~~1 28,699 29,473 30,276 31,106 33,680~~
~~2 29,345 30,137 30,955 31,857 34,449~~
~~3 30,312 31,127 31,970 32,920 35,559~~
~~4 30,994 31,854 32,710 33,702 36,383~~
~~5 31,703 32,574 33,448 34,505 37,203~~
~~6 32,112 32,964 33,868 34,979 37,663~~
~~7 33,160 34,033 34,959 36,141 38,893~~
~~8 34,223 35,145 36,092 37,372 40,161~~
~~9 36,295 37,289 38,616 41,470~~
~~10 38,501 39,923 42,815~~
~~11 41,269 44,225~~

~~12 42,572 45,671~~
~~13 47,153~~
~~14 48,642~~
~~15 49,907~~
~~16 or more 50,906~~

~~Years of MA+ 90~~
~~Service BA+ 135 MA MA+ 45 or PHD~~

~~0 34,859 33,951 36,500 38,142~~
~~1 35,313 34,328 36,902 38,535~~
~~2 36,116 35,048 37,640 39,305~~
~~3 37,298 36,112 38,750 40,490~~
~~4 38,153 36,863 39,544 41,314~~
~~5 39,026 37,634 40,333 42,156~~
~~6 39,495 38,047 40,732 42,564~~
~~7 40,795 39,210 41,961 43,864~~
~~8 42,133 40,440 43,229 45,201~~
~~9 43,509 41,683 44,538 46,577~~
~~10 44,922 42,992 45,884 47,991~~
~~11 46,373 44,337 47,293 49,442~~
~~12 47,885 45,736 48,739 50,953~~
~~13 49,432 47,184 50,221 52,501~~
~~14 51,039 48,675 51,808 54,107~~
~~15 52,366 49,940 53,155 55,514~~
~~16 or more 53,413 50,938 54,218 56,624))~~

Years of
Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0 28,300 29,064 29,856 30,649 33,196
1 28,680 29,455 30,257 31,086 33,659
2 29,327 30,117 30,936 31,837 34,428
3 30,293 31,107 31,950 32,899 35,536
4 30,975 31,833 32,690 33,681 36,360
5 31,682 32,553 33,427 34,483 37,179
6 32,091 32,943 33,847 34,956 37,639
7 33,139 34,012 34,937 36,118 38,868
8 34,202 35,122 36,069 37,348 40,135
9 36,272 37,266 38,591 41,443
10 38,477 39,898 42,788
11 41,243 44,196
12 42,545 45,642
13 47,123
14 48,611
15 49,876
16 or more 50,873

Years of MA+ 90
Service BA+ 135 MA MA+ 45 or PHD

0 34,836 33,929 36,476 38,118
1 35,291 34,306 36,879 38,510
2 36,093 35,025 37,616 39,280

<u>3</u>	<u>37,274</u>	<u>36,089</u>	<u>38,725</u>	<u>40,464</u>
<u>4</u>	<u>38,129</u>	<u>36,840</u>	<u>39,519</u>	<u>41,288</u>
<u>5</u>	<u>39,001</u>	<u>37,610</u>	<u>40,307</u>	<u>42,129</u>
<u>6</u>	<u>39,470</u>	<u>38,023</u>	<u>40,706</u>	<u>42,537</u>
<u>7</u>	<u>40,769</u>	<u>39,185</u>	<u>41,934</u>	<u>43,836</u>
<u>8</u>	<u>42,106</u>	<u>40,414</u>	<u>43,202</u>	<u>45,172</u>
<u>9</u>	<u>43,481</u>	<u>41,656</u>	<u>44,510</u>	<u>46,548</u>
<u>10</u>	<u>44,894</u>	<u>42,964</u>	<u>45,855</u>	<u>47,960</u>
<u>11</u>	<u>46,344</u>	<u>44,309</u>	<u>47,263</u>	<u>49,410</u>
<u>12</u>	<u>47,854</u>	<u>45,707</u>	<u>48,708</u>	<u>50,921</u>
<u>13</u>	<u>49,401</u>	<u>47,154</u>	<u>50,189</u>	<u>52,467</u>
<u>14</u>	<u>51,006</u>	<u>48,644</u>	<u>51,775</u>	<u>54,073</u>
<u>15</u>	<u>52,333</u>	<u>49,908</u>	<u>53,121</u>	<u>55,479</u>
<u>16 or more</u>	<u>53,379</u>	<u>50,906</u>	<u>54,183</u>	<u>56,588</u>

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP

Document 12E and the salary schedules in subsection (4)(a) of this section include three learning improvement days (~~(originally added in the 1999-00 school year)~~ for the 2001-02 school year and two days for the 2002-03 school year. A school district is eligible for the learning improvement day funds for school years 2001-02 and 2002-03, only if ~~((three))~~ the learning improvement days have been added to the 180-day contract year. If fewer ~~((than three))~~ days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 2001 2nd sp.s. c 7 s 504 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE
COMPENSATION ADJUSTMENTS**

General Fund--State Appropriation (FY 2002) \$ ((124,130,000))	<u>124,903,000</u>
General Fund--State Appropriation (FY 2003) \$ ((274,529,000))	<u>255,910,000</u>
<u>General Fund--Federal Appropriation (FY 2003) \$ 191,000</u>	
TOTAL APPROPRIATION \$ ((398,659,000))	<u>381,004,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$318,024,000~~)) A total of \$329,316,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and ((~~another salary adjustment~~)) 3.6 percent effective on September 1, 2002, ((~~in a percentage amount to be determined by the 2002 legislature~~)) consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of ((~~10.63~~)) 10.12 percent for school year((s)) 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and ((~~9.42~~)) 9.23 percent for school year((s)) 2001-02 and 8.86 for school year 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

School Year	
2001-02	2002-03
Pupil Transportation (per weighted pupil mile) \$ 0.77 \$ ((1.44))	<u>1.54</u>
Highly Capable (per formula student) \$((8.75)) \$((16.35))	
<u>8.71</u> <u>16.70</u>	
Transitional Bilingual Education (per eligible bilingual student) \$((22.73)) \$((42.48))	
<u>22.63</u> <u>44.74</u>	
Learning Assistance (per entitlement unit) \$((11.23)) \$((20.99))	
<u>11.19</u> <u>22.26</u>	
Substitute Teacher (allocation per teacher, section 502(7)) \$ 18.29 \$ ((34.18))	<u>36.75</u>

(2) This act appropriates general fund--state funds and other funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state-funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) (~~(\$80,635,000)~~) \$51,688,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and (~~(\$493.59)~~) \$457.07 per month for the 2002-03 school year at the following rates:

School Year		
2001-02	2002-03	
Pupil Transportation (per weighted pupil mile)	\$ 0.25	(\$0.60) <u>0.27</u>
Highly Capable (per formula student)	\$ 1.74	(\$4.18) <u>1.81</u>
Transitional Bilingual Education (per eligible bilingual student)	\$ 4.46	(\$10.66) <u>4.75</u>
Learning Assistance (per entitlement unit)	\$ 3.51	(\$8.38) <u>3.73</u>

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2001 2nd sp.s. c 7 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2002)	\$ (193,198,000)	<u>192,402,000</u>
General Fund--State Appropriation (FY 2003)	\$ (194,293,000)	<u>193,293,000</u>
TOTAL APPROPRIATION	\$ (387,491,000)	<u>385,695,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of (~~(\$785,000)~~) \$752,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) (~~(\$15,000)~~) \$5,000 of the fiscal year 2002 appropriation and (~~(\$20,000)~~) \$5,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of (~~(\$37.11)~~) \$37.07 per weighted mile in the 2001-02 school year and (~~(\$37.38)~~) \$37.12 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 506. 2001 2nd sp.s. c 7 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((419,264,000))	<u>420,165,000</u>
General Fund--State Appropriation (FY 2003) \$ ((420,644,000))	<u>408,761,000</u>
General Fund--Federal Appropriation \$ ((256,092,000))	<u>256,407,000</u>
TOTAL APPROPRIATION \$ ((1,096,000,000))	<u>1,085,333,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation;

and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each ((~~general fund--state~~)) fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall ((~~distribute state funds~~)) make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

(i) For the 2001-02 (~~and the 2002-03~~) school year(s), each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent (~~for the school year for which the allocation is being determined~~) or 12.7 percent (~~for the 2001-02 school year or 13.0 percent for the 2002-03 school year~~).

(ii) For the 2002-03 school year, each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be (~~12.7 percent for the 2001-02 school year and 13.0 percent for the 2002-03 school year~~) calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) Safety net funding shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) A maximum of (~~(\$12,000,000)~~) \$8,500,000 of the general fund--state appropriation and a maximum of \$3,500,000 of the general fund--federal appropriation for fiscal year 2002 (~~and a maximum of \$10,623,000 of the general fund--state appropriation for fiscal year 2003~~) are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. (~~Safety net funding shall be awarded by the state safety net oversight committee.~~

~~(a))~~ (b) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

~~((b))~~ (c) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

~~((c))~~ (d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((d))~~ (e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

~~((e))~~ (f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

~~((f))~~ (g) The superintendent may expend up to \$120,000 (~~per year~~) of the amounts provided in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) For fiscal year 2003 to the extent necessary, \$12,873,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (9), the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district

philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 of the amount provided from the general fund--federal appropriation in this subsection (9) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

~~((9))~~ (10) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

~~((10))~~ (11) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

~~((11))~~ (12) To the extent necessary, ~~(\$5,500,000)~~ in fiscal year 2002, \$2,250,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed ~~(\$5,500,000)~~ \$2,250,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

~~((12))~~ (13) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

~~((13))~~ (14) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

~~((14))~~ (15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent for the 2001-02 school year. For the 2002-03 school year, the superintendent shall allocate the federal funds as specified in this section and shall adjust federal flow-through funds accordingly. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

~~((15))~~ (16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

~~((16))~~ (17) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(18) The superintendent of public instruction shall implement the recommendations of the joint legislative audit and review committee study on special education (report 01-11) only to the extent that funds have been specifically provided therefor.

Sec. 507. 2001 2nd sp.s. c 7 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((3,595,000))	3,765,000
General Fund--State Appropriation (FY 2003) \$ ((2,588,000))	512,000
Public Safety and Education Account Appropriation \$ 6,567,000	
TOTAL APPROPRIATION \$ ((6,183,000))	10,844,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ (a) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

~~((2))~~ (b) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation (~~and a maximum of \$254,000 of the fiscal year 2003 general fund appropriation~~) may be expended for regional traffic safety education coordinators.

~~((3))~~ (c) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 (~~and 2002-03~~) school (~~years~~) year.

(2) The public safety and education account appropriation in this section is subject to the following conditions and limitations:

(a) The public safety and education account appropriation shall lapse if House Bill No. 2573 (traffic safety education) is not enacted by June 30, 2002.

(b) If House Bill No. 2573 is enacted by June 30, 2002, districts shall receive the following allocations:

(i) The maximum basic state allocation per student completing the program shall be \$148.00 in the 2002-03 school year.

(ii) Additional allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$71.00 per eligible student in the 2002-03 school year.

(c) A maximum of \$254,000 may be expended for regional traffic safety education coordinators.

Sec. 508. 2001 2nd sp.s. c 7 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2002) \$ ((4,768,000))	4,757,000
General Fund--State Appropriation (FY 2003) \$ ((4,768,000))	4,571,000
TOTAL APPROPRIATION \$ ((9,536,000))	9,328,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$250,000 of the general fund appropriation for fiscal year (~~(2000)~~) 2002 and (~~(\$250,000)~~) \$243,000 of the general fund appropriation for fiscal year (~~(2001)~~) 2003 are provided solely for student teaching centers as provided in RCW 28A.415.100.

(3) A maximum of \$250,000 of the fiscal year 2002 general fund appropriation and a maximum of (~~(\$250,000)~~) \$243,000 of the fiscal year 2003 general fund appropriation are provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

Sec. 509. 2001 2nd sp.s. c 7 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ ((136,315,000))	<u>140,932,000</u>
General Fund--State Appropriation (FY 2003) \$ ((148,329,000))	<u>154,931,000</u>
TOTAL APPROPRIATION \$ ((284,644,000))	<u>295,863,000</u>

The appropriations in this section are subject to the following conditions and limitations:

Calendar year 2003 local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by 0.99 as authorized by House Bill No. 3011.

Sec. 510. 2001 2nd sp.s. c 7 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((19,133,000))	<u>19,073,000</u>
General Fund--State Appropriation (FY 2003) \$ ((19,115,000))	<u>18,658,000</u>
General Fund--Federal Appropriation \$ 8,548,000	
TOTAL APPROPRIATION \$ ((46,796,000))	<u>46,279,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and \$139,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2001 2nd sp.s. c 7 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2002) \$ ((6,443,000))	<u>6,470,000</u>
General Fund--State Appropriation (FY 2003) \$ ((6,397,000))	<u>6,229,000</u>
TOTAL APPROPRIATION \$ ((12,840,000))	<u>12,699,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ((~~\$328.10~~) \$327.22 per funded student for the 2001-02 school year and ((~~\$328.05~~) \$313.07 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and ((~~\$175,000~~) \$170,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$93,000 of the fiscal year 2002 appropriation and ((~~\$93,000~~) \$90,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

Sec. 512. 2001 2nd sp.s. c 7 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation \$ ((288,166,000))	<u>201,737,000</u>
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Sec. 513. 2001 2nd sp.s. c 7 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((35,882,000))	<u>36,880,000</u>
General Fund--State Appropriation (FY 2003) \$ ((36,363,000))	<u>30,150,000</u>
General Fund--Federal Appropriation \$ ((3,000,000))	<u>60,571,000</u>
TOTAL APPROPRIATION \$ ((75,245,000))	<u>127,601,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$322,000~~) \$312,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.

(2) ((~~\$11,209,000~~) \$12,209,000 of the general fund--state appropriation for fiscal year 2002, ((~~\$10,872,000~~) \$8,872,000 of the general fund--state appropriation for fiscal year 2003, and ((~~\$3,000,000~~) \$4,000,000 of the general fund--federal appropriation are provided for development

and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and (~~(\$1,095,000)~~) \$548,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$4,695,000)~~) \$2,348,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$2,025,000)~~) \$1,964,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of

the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,409,000)~~ \$705,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,828,000)~~ \$1,773,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(\$500,000)~~ \$485,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$3,829,000)~~ \$3,714,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intercessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) ~~(\$377,000)~~ \$375,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$701,000)~~ \$725,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards(-), subject to the following conditions and limitations:

~~((b) In the 2002-03 school year,))~~ (a) Teachers who have attained certification by the national board ~~((in the 2000-01 school year or the 2001-02 school year or the 2002-03 school year))~~ shall receive an annual bonus not to exceed \$3,500.

~~((e))~~ (b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

~~((d))~~ (c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than ~~((three))~~ four annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$625,000)~~ \$313,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) ~~(\$384,000)~~ \$372,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$384,000)~~ \$372,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) ~~(\$130,000)~~ \$126,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$130,000)~~ \$126,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) ~~(\$1,800,000)~~ \$1,746,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,800,000)~~ \$1,746,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and ~~(\$207,000)~~ \$201,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

(20) \$46,554,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(21) \$6,591,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(22) In addition to amounts provided in subsection (2) of this section, \$3,426,000 of the general fund--federal appropriation is provided for the development of state assessments as required under Title VI of the no child left behind act.

Sec. 514. 2001 2nd sp.s. c 7 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ((43,044,000))	<u>42,767,000</u>
General Fund--State Appropriation (FY 2003) \$ ((45,171,000))	<u>44,734,000</u>
<u>General Fund--Federal Appropriation (FY 2003) \$ 20,280,000</u>	
<u>TOTAL APPROPRIATION \$ ((88,215,000))</u>	<u>107,781,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ (a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

~~((2))~~ (b) The superintendent shall distribute a maximum of ~~((687.19))~~ \$684.36 per eligible bilingual student in the 2001-02 school year and ~~((687.19))~~ \$674.69 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

~~((3))~~ (c) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to ~~((268,000))~~ \$700,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

~~((4))~~ (d) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

~~((5))~~ (e) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).

(2) The general fund--federal appropriation in this section is provided for migrant education, English language acquisition, and language enhancement grants under Title III of the no child left behind act.

Sec. 515. 2001 2nd sp.s. c 7 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2002) \$ ((70,593,000))	<u>71,342,000</u>
General Fund--State Appropriation (FY 2003) \$ ((68,817,000))	<u>64,614,000</u>
<u>General Fund--Federal Appropriation (FY 2003) \$ 130,631,000</u>	
<u>TOTAL APPROPRIATION \$ ((139,410,000))</u>	<u>266,587,000</u>

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

~~((1))~~ (a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

~~((2))~~ (b) Funding for school district learning assistance programs shall be allocated at maximum rates of ~~((408.38))~~ \$407.39 per funded unit for the 2001-02 school year and ~~((409.41))~~ \$404.78 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

~~((3))~~ (c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

~~((4))~~ (d) A school district's general fund--state funded units for the 2001-02 ~~((and 2002-03))~~ school year(s) shall be the sum of the following:

~~((a))~~ (i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

~~((b))~~ (ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

~~((c))~~ (iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

~~((d))~~ (iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the

district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

~~((5))~~ (e)(i) A school district's general fund--state funded units for the 2002-03 school year shall be the sum of the following:

(A) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(B) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(C) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(D) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(ii) In addition to amounts allocated under (a) of this subsection, the superintendent shall provide additional amounts as follows:

(A) For school districts receiving less than a 3.0 percent increase in federal Title I Part A (basic program) funds, the multiplier in (i)(A), (B), and (C) of this subsection (e) shall be .92;

(B) For school districts not eligible for additional funds under (b)(i) of this subsection, and whose effective increase in federal Title I Part A (basic program) funds is less than 3.0 percent after taking into account the change in the multiplier from .92 to .82, an additional amount to provide a 3.0 percent increase.

(f) School districts may carry over from one year to the next up to 10 percent of general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

Sec. 516. 2001 2nd sp.s. c 7 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS

General Fund--State Appropriation (FY 2002) \$ ((19,515,000))	<u>19,663,000</u>
General Fund--State Appropriation (FY 2003) \$ ((17,516,000))	<u>3,541,000</u>
TOTAL APPROPRIATION \$ ((37,031,000))	<u>23,204,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student ~~((and \$18.48 per full-time equivalent student for the 2002-03 school year))~~. Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than

one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

NEW SECTION. **Sec. 517.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE FLEXIBLE EDUCATION FUNDS

General Fund--State Appropriation (FY 2003) \$ 20,612,000

The appropriation in this section is subject to the following conditions and limitations:

(1) State flexible education funds for the 2002-03 school year shall be allocated at a maximum rate of \$21.55 per full-time equivalent student in grades K-12. For the purpose of this section, "FTE student" refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year. The funds shall be distributed to school districts at ten percent per month for the months of September through June.

(2) Funds are provided for local education program enhancements to improve student learning as identified by each school district, including the following programs: Paraprofessional training; mentor/beginning teacher assistance; principal assessment and mentorships; superintendent and principal internships; school safety; truancy; contracting with educational centers; and complex needs.

(3) Funds provided under this section shall not be used for salary increases or additional compensation for existing teaching duties.

(4) Funding provided under this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution.

Sec. 518. 2001 2nd sp.s. c 7 s 519 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund--State Appropriation (FY 2002) \$ ~~((184,232,000))~~

180,837,000

Student Achievement Fund--State Appropriation (FY 2003) \$ ~~((209,068,000))~~

210,312,000

TOTAL APPROPRIATION \$ ~~((393,300,000))~~

391,149,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of (~~(\$193.92)~~) \$190.19 per FTE student for the 2001-02 school year and (~~(\$220.59)~~) \$219.84 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with (~~(RCW 84.52. — (section 5 of Initiative Measure No. 728))~~) RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

Sec. 519. 2001 2nd sp.s. c 7 s 521 (uncodified) is amended to read as follows:

FOR THE STATE BOARD OF EDUCATION

Education Savings Account--State Appropriation \$ (~~(36,720,000)~~)

36,656,000

Education Construction Account--State Appropriation \$ (~~(154,500,000)~~)

111,800,000

TOTAL APPROPRIATION \$ (~~(191,220,000)~~)

148,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$18,000,000)~~) \$17,936,000 in fiscal year 2002 and \$18,720,000 in fiscal year 2003 of the education savings account appropriation shall be deposited in the common school construction account.

(2) (~~(\$154,500,000)~~) \$111,800,000 of the education construction account appropriation shall be deposited in the common school construction account.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2001 2nd sp.s. c 7 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated

with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management, except for classified staff at the technical colleges, a salary increase of 3.7 percent on July 1, 2001. The technical colleges shall provide to classified employees under chapter 41.56 RCW an average salary increase of 3.7 percent on July 1, 2001, and 3.6 percent on July 1, 2002. ~~((Funds are also provided for salary increases for all classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of technical college classified staff, consistent with the provisions of Initiative 732.))~~

(c) Each institution of higher education, except for the community and technical colleges, shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.7 percent on July 1, 2001. ~~((Funds are also provided for salary increases for these employee groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))~~ Each institution may provide the same average increases to similar positions that are not state-funded.

(d) The community and technical colleges shall provide to academic employees, ~~((exempt professional staff, and academic administrators))~~ as defined in RCW 28B.52.020 pursuant to the provisions of Initiative Measure No. 732, an average salary increase of 3.7 percent on July 1, 2001, and 3.6 percent on July 1, 2002. ~~((Funds are also provided for salary increases for these groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of community college academic employees and technical college employees, consistent with the provisions of Initiative 732.))~~

(e) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(f) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f) or under rights granted to award additional compensation with local, nonstate funds under the collective bargaining provisions of Second Substitute House Bill No. 2403 (faculty collective bargaining) or Engrossed Second Substitute House Bill No. 2540 (collective bargaining/University of Washington).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2001-02 and 2002-03 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 2001-02 academic year, the governing boards and the state board may implement an increase no greater than six and seven-tenths percent over tuition fees charged to full-time students for the 2000-01 academic year.

~~(b)(i) For the 2002-03 academic year, the governing boards ((and the state board may implement an increase no greater than six and one-tenth percent over the tuition fees charged to full-time students for the 2001-02 academic year.))~~ of the state universities may implement an increase no greater than sixteen percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.

~~(ii) For the 2002-03 academic year, the governing boards of the regional universities and The Evergreen State College may implement an increase no greater than fourteen percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.~~

~~(iii) For the 2002-03 academic year, the state board for community and technical colleges may implement an increase no greater than twelve percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.~~

~~(iv) Pursuant to RCW 43.135.055, for the 2002-03 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase in excess of the fiscal growth factor over tuition fees charged to nonresident undergraduate students for the 2001-02 academic year.~~

(c) For the 2001-02 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2000-01 academic year, except as provided in (e) of this subsection.

~~(d) Pursuant to RCW 43.135.055, for the 2002-03 academic year, the governing boards ((may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2001-02 academic year, except as provided in (f) of this subsection.))~~ of the state universities, the regional universities, and The Evergreen State College may implement an increase in excess of the fiscal growth factor over tuition fees charged to graduate, law, and professional students for the 2001-02 academic year.

(e) For the 2001-02 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 15 percent over tuition fees charged to graduate business students for the 2000-01 academic year.

~~(f) ((For the 2002-03 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 20 percent over tuition fees charged to graduate business students for the 2001-02 academic year.~~

~~(g))~~ (i) For the 2001-02 ~~((and the 2002-03))~~ academic year~~((s))~~, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load, but the average percentage increase for students taking fifteen or fewer credits shall not exceed ~~((the limits in subsection (3)(a) and (b) of this section))~~ twelve percent.

~~(ii) For the 2002-03 academic year, the state board for community and technical colleges may increase tuition fees differentially at their discretion.~~

~~((h))~~ (g) For the 2001-03 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

~~((i))~~ (h) The tuition increases adopted under (a), (b), ~~((g))~~ (f), and ~~((h))~~ (g) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does not exceed the percentages specified in this subsection.

(4) ~~((In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student.))~~ For the remainder of the 2001-03 biennium, the governing boards and the state board are encouraged to reduce waiver activity in recognition of the need to retain available resources to preserve the educational quality of higher education institutions. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under ~~((this subsection))~~ authority of RCW 28B.15.915.

(5) Pursuant to RCW ((43.15.055)) 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2001-03 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(6) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(7) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2001. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

(8) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

Sec. 602. 2001 2nd sp.s. c 7 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2001-2002	2002-2003
	Annual	Annual
	Average	Average
University of Washington		
Main campus	32,321	32,427
Bothell branch	1,169	1,235
Tacoma branch	1,330	1,484
Washington State University		
Main campus	17,332	17,332
Spokane branch	551	593
Tri-Cities branch	616	616
Vancouver branch	1,071	1,153
Central Washington University	7,470	7,470
Eastern Washington University	7,933	8,017
The Evergreen State College	3,754	3,837
Western Washington University	10,976	11,126

State Board for Community and
Technical Colleges 125,082 ((~~126,902~~))

128,222

When allocating newly budgeted enrollments, each institution of higher education shall give priority to high demand fields, including but not limited to technology, health professions, and education. At the end of each fiscal year, each institution of higher education and the state board for community and technical colleges shall submit a report to the higher education coordinating board detailing how newly budgeted enrollments have been allocated.

Sec. 603. 2001 2nd sp.s. c 7 s 603 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2002) \$ ((~~514,399,000~~))

514,141,000

General Fund--State Appropriation (FY 2003) \$ ((~~543,731,000~~))

533,500,000

General Fund--Federal Appropriation \$ 11,404,000

Administrative Contingency Account--State Appropriation \$ 2,600,000

College Faculty Awards Trust Account--State Appropriation \$ 2,500,000

Education Savings Account--State Appropriation \$ 4,500,000

TOTAL APPROPRIATION \$ ((~~1,074,034,000~~))

1,068,645,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$2,475,000 of the general fund--state appropriation for fiscal year 2002 and \$5,025,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by December 1 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$2,345,000~~)) \$1,155,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$326,000 of the general fund--state appropriation for fiscal year 2002 and \$640,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;

- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(6) ~~\$28,761,000~~ of the general fund--state appropriation for fiscal year 2002 (~~and \$28,761,000~~), \$32,761,000 of the general fund--state appropriation for fiscal year 2003, and the entire administrative contingency account appropriation are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in (~~each~~) fiscal year 2002 and up to 8,520 full-time equivalent students in fiscal year 2003.

(b) In directing these resources during the 2001-03 biennium, the state board for community and technical colleges shall give considerable attention to the permanent dislocation of workers from industries facing rapidly rising energy costs, such as direct service industries.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2002 and \$568,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2002 and \$212,000 of the general fund--state appropriation for fiscal year 2003 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. Funds provided are sufficient to support at least 30 additional annual full-time equivalent students. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) The entire education savings account appropriation is provided solely to support the development of a multicollege student-centered online service center for distance learners, including self-service internet applications and staff support 24 hours per day. Moneys may be allocated by the office of financial management upon certification that sufficient cash is available beyond the appropriations made for the 2001-03 biennium for the purposes of common school construction.

(12) \$9,500,000 of the general fund--state appropriation for fiscal year 2003 and the entire college faculty awards trust account appropriation are provided solely for the purposes of the settlement costs of *Mader v. State* litigation regarding retirement contributions on behalf of part-time faculty.

Sec. 604. 2001 2nd sp.s. c 7 s 604 (uncodified) is amended to read as follows:

FOR UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2002) \$ ((345,974,000))	<u>345,904,000</u>
General Fund--State Appropriation (FY 2003) \$ ((361,114,000))	<u>336,544,000</u>
Death Investigations Account--State Appropriation \$ ((259,000))	<u>258,000</u>
University of Washington Building Account--State Appropriation \$ 1,103,000	

Accident Account--State Appropriation \$ ((5,891,000))	5,881,000
Medical Aid Account--State Appropriation \$ ((5,945,000))	5,937,000
TOTAL APPROPRIATION \$ ((720,286,000))	<u>695,627,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) ((~~\$259,000~~)) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account--state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

(10) \$2,774,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other

nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 605. 2001 2nd sp.s. c 7 s 605 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ ((201,416,000))	<u>201,362,000</u>
General Fund--State Appropriation (FY 2003) \$ ((209,939,000))	<u>195,533,000</u>
TOTAL APPROPRIATION \$ ((411,355,000))	<u>396,895,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(4) \$1,726,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 606. 2001 2nd sp.s. c 7 s 606 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ ((45,532,000))	<u>45,517,000</u>
General Fund--State Appropriation (FY 2003) \$ ((47,382,000))	<u>44,174,000</u>
TOTAL APPROPRIATION \$ ((92,914,000))	<u>89,691,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$450,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 607. 2001 2nd sp.s. c 7 s 607 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ (44,164,000)	44,147,000
General Fund--State Appropriation (FY 2003) \$ (44,976,000)	42,149,000
TOTAL APPROPRIATION \$ (89,140,000)	86,296,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the general fund--state appropriation for fiscal year 2002 (~~is~~) and \$350,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

(2) \$374,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 608. 2001 2nd sp.s. c 7 s 608 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2002) \$ (25,334,000)	25,325,000
General Fund--State Appropriation (FY 2003) \$ (26,260,000)	24,474,000
TOTAL APPROPRIATION \$ (51,594,000)	49,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$226,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

~~((2))~~ (3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

~~((3))~~ (4) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for

public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

~~((4))~~ (5) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

~~((5))~~ (6) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

~~((6))~~ (7) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

~~((7))~~ (8) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

~~((8))~~ (9) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

~~((9))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

(11) \$60,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the institute for public policy to conduct the studies listed in (a), (b), (c), and (d) of this subsection.

(a) The institute for public policy shall conduct a review of branch campuses of the state's higher education research universities. The study shall examine: (a) The original mission of branch campuses; (b) the extent branch campuses are meeting their original mission; and (c) the extent key factors that led to the creation of branch campuses have changed, including student demographics, demand for and availability of upper division higher education, and local or state labor markets. The study shall also include a range of policy options the legislature could consider regarding branch campuses. The institute shall submit an interim report by December 12, 2002, and a final report by June 30, 2003, to appropriate legislative committees.

(b) The institute for public policy shall conduct a study to review the mission and operations of the higher education coordinating board. The study shall include evaluation of the board's role

and current practices in policy setting, evaluation, review and approval of higher education programs and budgets, and administration of financial aid programs. In conducting the study, the institute shall work with legislative staff of the house of representatives and senate. The institute shall submit its findings to the higher education and fiscal committees of the legislature by December 12, 2002.

(c) The institute for public policy shall conduct a study to research at-risk youth programs. The institute for public policy shall conduct the necessary research in order to recommend to the legislature the criteria, processes, and institutional arrangements under which proven best practices could be identified, the reductions in the state justice system caseloads estimated, and the unit cost and total cost savings estimated for the intervention and prevention programs focused on youth at high risk for involvement with the juvenile and adult justice systems. The development of criteria, processes, and institutional arrangements for the limited purposes of this study shall not be construed to define best practices for all programs. The institute for public policy shall report its findings and recommendations to the appropriate committees of the legislature by December 12, 2002.

(d) The institute for public policy shall carry out the research tasks assigned to it in Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing). The board may adjust reporting dates based on available data and required analysis.

Sec. 609. 2001 2nd sp.s. c 7 s 609 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2002) \$ ((59,755,000))	<u>59,732,000</u>
General Fund--State Appropriation (FY 2003) \$ ((62,881,000))	<u>58,418,000</u>
TOTAL APPROPRIATION \$ ((122,636,000))	<u>118,150,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$753,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$1,032,000~~)) \$980,400 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$450,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

Sec. 610. 2001 2nd sp.s. c 7 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2002) \$ 2,345,000	
General Fund--State Appropriation (FY 2003) \$ ((2,408,000))	<u>2,288,000</u>
General Fund--Federal Appropriation \$ 636,000	
TOTAL APPROPRIATION \$ ((5,389,000))	<u>5,269,000</u>

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

Sec. 611. 2001 2nd sp.s. c 7 s 611 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2002) \$ 123,645,000

General Fund--State Appropriation (FY 2003) \$ ((~~136,205,000~~))

135,880,000

General Fund--Federal Appropriation \$ 7,511,000

Advanced College Tuition Payment Program Account--State Appropriation \$ ((~~3,604,000~~))

1,803,000

TOTAL APPROPRIATION \$ ((~~270,965,000~~))

268,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2002 and \$529,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the displaced homemakers program.

(2) \$234,000 of the general fund--state appropriation for fiscal year 2002 and \$240,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(4) \$1,000,000 of the general fund--state appropriations is provided solely to continue a demonstration project that enables classified public K-12 employees to become future teachers, subject to the following conditions and limitations:

(a) Within available funds, the board may renew and offer conditional scholarships of up to \$4,000 per year for full or part-time studies that may be forgiven in exchange for teaching service in Washington's public K-12 schools. In selecting loan recipients, the board shall take into account the applicant's demonstrated academic ability and commitment to serve as a teacher within the state of Washington.

(b) Loans shall be forgiven at the rate of one year of loan for two years of teaching service. Recipients who teach in geographic or subject-matter shortage areas, as specified by the office of the superintendent for public instruction, may have their loans forgiven at the rate of one year of loan for one year of teaching service;

(c) Recipients who fail to fulfill the required teaching service shall be required to repay the conditional loan with interest. The board shall define the terms for repayment, including applicable interest rates, fees and deferments, and may adopt other rules as necessary to implement this demonstration project.

(d) The board may deposit this appropriation and all collections into the student loan account authorized in RCW 28B.102.060.

(e) The board will provide the legislature and governor with findings about the impact of this demonstration project on persons entering the teaching profession in shortage areas by no later than January of 2002.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2001-02 and 2002-03 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(7) \$120,156,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$133,965,000)~~ \$133,761,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$90,566,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$102,667,000)~~ \$104,913,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program. For the remainder of the 2001-03 biennium, the higher education coordinating board shall limit or suspend growth to individual state need grant levels to the extent necessary to ensure that students who meet the financial eligibility requirements of fifty-five percent of median family income are served;

(b) \$16,340,000 of the general fund--state appropriation for fiscal year 2002 and \$17,360,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. Four percent of the general fund--state amount in this subsection for fiscal year 2003 may be expended for state work study program administration;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2002 and \$2,920,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2002 and ~~(2.1)~~ 1.8 percent of the general fund--state appropriation for fiscal year 2003 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$1,241,000 of the general fund--state appropriation for fiscal year 2002 and \$1,428,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence;

(f) \$588,000 of the general fund--state appropriation for fiscal year 2002 and \$589,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program;

(g) \$251,000 of the general fund--state appropriation for fiscal year 2002 and \$251,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for community scholarship matching grants of \$2,000 each. Of the amounts provided, no more than \$5,200 each year is for the administration of the community scholarship matching grant program. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(h) \$8,250,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$8,750,000)~~ \$6,300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges. Scholarships awarded to new recipients for the 2002-03 academic year shall not exceed one-thousand dollars per student.

(ii) Of the amounts provided, no more than \$260,000 ~~((each year is))~~ in fiscal year 2002 and no more than \$250,000 in fiscal year 2003 are for administration of the Washington promise scholarship program.

(iii) Other than funds provided for program administration, the higher education coordinating board shall deposit all money received for the program in the Washington promise scholarship account, a nonappropriated fund in the custody of the state treasurer. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Scholarships in the ~~((2001-03 biennium))~~ 2001-02 academic year shall be awarded to students ~~((who graduate from high school or its equivalent))~~ whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size, and new scholarships in the 2002-03 academic year shall be awarded to students whose family income does not exceed one hundred twenty percent of the state's median family income, adjusted for family size, if they meet any of the following academic criteria:

(A) Students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, or must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt;

(B) Students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt.

(v) For students eligible under (iv) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top fifteen percent or who meet the scholastic aptitude test score requirement, as appropriate in each of the respective high school senior or home based instruction classes in Washington state. This shall be provided no later than October 1 of each year.

(vi) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(vii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by December 1, 2002.

(viii) The higher education coordinating board may adopt rules as necessary to implement this program.

Sec. 612. 2001 2nd sp.s. c 7 s 612 (uncodified) is amended to read as follows:
FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD
General Fund--State Appropriation (FY 2002) \$ 1,762,000

General Fund--State Appropriation (FY 2003) \$ ((1,720,000))	1,633,000
General Fund--Federal Appropriation \$ 44,987,000	
TOTAL APPROPRIATION \$ ((48,469,000))	<u>48,382,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

Sec. 613. 2001 2nd sp.s. c 7 s 613 (uncodified) is amended to read as follows:
FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE
 General Fund--State Appropriation (FY 2002) \$ ((1,500,000))

	<u>1,499,000</u>
General Fund--State Appropriation (FY 2003) \$ ((1,500,000))	
	<u>1,397,000</u>
TOTAL APPROPRIATION \$ ((3,000,000))	<u>2,896,000</u>

Sec. 614. 2001 2nd sp.s. c 7 s 614 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE LIBRARY
 General Fund--State Appropriation (FY 2002) \$ 8,791,000
 General Fund--State Appropriation (FY 2003) \$ ((8,786,000))

	<u>3,209,000</u>
General Fund--Federal Appropriation \$ 6,976,000	
TOTAL APPROPRIATION \$ ((24,553,000))	<u>18,976,000</u>

The appropriations in this section are subject to the following conditions and limitations: At least \$2,700,000 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

Sec. 615. 2001 2nd sp.s. c 7 s 615 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE ARTS COMMISSION
 General Fund--State Appropriation (FY 2002) \$ 2,873,000
 General Fund--State Appropriation (FY 2003) \$ ((2,874,000))

	<u>2,788,000</u>
General Fund--Federal Appropriation \$ 1,000,000	
<u>General Fund--Private/Local Appropriation \$ 3,000</u>	
TOTAL APPROPRIATION \$ ((6,747,000))	<u>6,664,000</u>

Sec. 616. 2001 2nd sp.s. c 7 s 616 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 General Fund--State Appropriation (FY 2002) \$ 2,899,000
 General Fund--State Appropriation (FY 2003) \$ ((3,129,000))

	<u>3,035,000</u>
TOTAL APPROPRIATION \$ ((6,028,000))	<u>5,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

Sec. 617. 2001 2nd sp.s. c 7 s 617 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2002) \$ 1,674,000	
General Fund--State Appropriation (FY 2003) \$ ((1,535,000))	
	<u>1,489,000</u>
TOTAL APPROPRIATION \$ ((3,209,000))	
	<u>3,163,000</u>

Sec. 618. 2001 2nd sp.s. c 7 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2002) \$ 4,520,000	
General Fund--State Appropriation (FY 2003) \$ ((4,591,000))	
	<u>4,654,000</u>
General Fund--Private/Local Appropriation \$ ((1,173,000))	
	<u>1,254,000</u>
TOTAL APPROPRIATION \$ ((10,284,000))	
	<u>10,428,000</u>

Sec. 619. 2001 2nd sp.s. c 7 s 619 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2002) \$ 7,395,000	
General Fund--State Appropriation (FY 2003) \$ ((7,439,000))	
	<u>7,751,000</u>
General Fund--Private/Local Appropriation \$ 232,000	
TOTAL APPROPRIATION \$ ((15,066,000))	
	<u>15,378,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional staffing and other student safety measures at the school. The school will hire six additional staff, increase staff communications and accessibility, and implement a training program to enhance staff members' abilities to work with at-risk youth.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. 2001 2nd sp.s. c 7 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2002) \$ ((629,097,000))	
	<u>576,097,000</u>
General Fund--State Appropriation (FY 2003) \$ ((567,290,000))	
	<u>622,540,000</u>
State Building Construction Account--State Appropriation \$ ((11,351,000))	
	<u>7,999,000</u>
Debt-Limit Reimbursable Bond Retire Account--State Appropriation \$ 2,591,000	
<u>State Taxable Building Construction Account--State Appropriation \$ 496,000</u>	

TOTAL APPROPRIATION \$ ((1,210,329,000))

1,209,723,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2002 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2002.

Sec. 702. 2001 2nd sp.s. c 7 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation \$ ((39,950,000))

29,249,000

Accident Account--State Appropriation \$ ((5,590,000))

5,096,000

Medical Aid Account--State Appropriation \$ ((5,590,000))

5,096,000

TOTAL APPROPRIATION \$ ((51,130,000))

39,441,000

Sec. 703. 2001 2nd sp.s. c 7 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2002) \$ 24,542,000

General Fund--State Appropriation (FY 2003) \$ 26,706,000

Capitol Historic District Construction

Account--State Appropriation \$ 454,000

Higher Education Construction Account--State Appropriation \$ ((815,000))

499,000

State Higher Education Construction Account--State Appropriation \$ ((348,000))

50,000

State Vehicle Parking Account--State Appropriation \$ ((35,000))

100,000

Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation \$ 128,043,000

TOTAL APPROPRIATION \$ ((180,943,000))

180,394,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

Sec. 704. 2001 2nd sp.s. c 7 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2002) \$ 567,000

General Fund--State Appropriation (FY 2003) \$ ((568,000))

658,000

Higher Education Construction Account--State Appropriation \$ 77,000

State Higher Education Construction Account--State Appropriation \$ 42,000

State Building Construction Account--State Appropriation \$ 1,488,000

State Vehicle Parking Account--State Appropriation \$ ((5,000))

10,000

Capitol Historic District Construction Account--State Appropriation \$ 130,000

State Taxable Building Construction Account-- State Appropriation \$ 50,000
TOTAL APPROPRIATION \$ ((2,877,000))

3,022,000

Sec. 705. 2001 2nd sp.s. c 7 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

POOL. The sum of ((three million dollars)) \$39,487,000, or so much thereof as may be available on June 30, 2001, from the total amount of unspent fiscal year 2001 fire contingency funding in the disaster response account and the moneys appropriated to the disaster response account in section 707 of this act, is appropriated for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs. Of this amount, \$27,513,000 shall be provided to the department of natural resources, \$135,000 shall be provided to the state parks and recreation commission, and \$60,000 shall be provided to the department of fish and wildlife, for costs of fire suppression during the 2001 fire season.

NEW SECTION. **Sec. 706.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

REVOLVING FUND REDUCTIONS. (1) The 2001-2003 supplemental appropriations in this act reflect reduced appropriations from the specified funds and accounts in the following amounts:

Administrative Hearings Revolving Account \$ 330,000
Legal Services Revolving Account \$ 1,543,000
Data Processing Revolving Account (DIS 419-6) \$ 1,995,000
Data Processing Revolving Account (DIS 419-1) \$ 96,000
Data Processing Revolving Account (OFM 419-6) \$ 339,000
Data Processing Revolving Account (DOP 419-6) \$ 545,000
Department of Personnel Service Account (DOP) \$ 262,000
Department of Personnel Service Account (Sec State) \$ 18,000
Department of Retirement Systems Expense Account \$ 732,000
General Administration Services Account (422-1) \$ 642,000
General Administration Services Account (422-6) \$ 1,302,000
Auditing Services Revolving Account \$ 347,000
Archives & Records Management Account \$ 177,000

(2) The director of financial management shall distribute these revolving fund savings by uniformly reducing state agencies' allotments accordingly. The distribution of the savings shall reduce general fund--state allotments for fiscal year 2003 by \$3,743,000 and other fund allotments by \$4,241,000. The amount of the allotment reduction shall be placed in reserve status.

NEW SECTION. **Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

EQUIPMENT PURCHASE REDUCTION. The director of financial management shall reduce allotments from general fund--state appropriations in this act for the 2001-2003 biennium by \$2,300,000 to reflect a freeze on state agency equipment purchases for the remainder of the 2001-03 biennium. The amount of the allotment reduction shall be placed in reserve status. Equipment purchase reductions for the house of representatives and senate are made in sections 101 and 102 of this act and not in this section.

NEW SECTION. **Sec. 708.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

EMPLOYEE TRAVEL REDUCTION. The director of financial management shall reduce allotments from general fund--state appropriations in this act for the 2001-2003 biennium by \$3,000,000 to reflect the elimination of nonessential travel by state employees and officials. The

amount of the allotment reduction shall be placed in reserve status. Employee travel reductions for the house of representatives and senate are made in sections 101 and 102 of this act and not in this section.

NEW SECTION. Sec. 709. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

CONTINGENCY POOL. (1) With the prior approval of the office of financial management, agencies may reduce allotments for fiscal year 2002 to reflect all or a portion of, and not to exceed, the administrative, travel, and equipment reductions and efficiency savings enacted in this 2002 supplemental appropriations act as an alternative to allotment reductions for fiscal year 2003.

(2) The sum of one million five hundred thousand dollars from the general fund--state for fiscal year 2003 is appropriated to the governor for providing assistance to state agencies that are unable to effectively absorb the administrative, travel, and equipment reductions and efficiency savings enacted in this 2002 supplemental appropriations act. Allocations to state agencies from this appropriation shall be reported to the legislative fiscal committees by the office of financial management within five days of the allocation.

Sec. 710. 2001 2nd sp.s. c 7 s 713 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2002) \$ 2,050,000	
General Fund--State Appropriation (FY 2003) \$ ((2,050,000))	
	<u>1,050,000</u>
TOTAL APPROPRIATION \$ ((4,100,000))	
	<u>3,100,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the digital government revolving account.

Sec. 711. 2001 2nd sp.s. c 7 s 716 (uncodified) is amended to read as follows:
FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS

General Fund--State Appropriation (FY 2002) \$ 7,218,000	
General Fund--State Appropriation (FY 2003) \$ ((19,947,000))	
	<u>14,803,000</u>
General Fund--Federal Appropriation \$ ((8,692,000))	
	<u>7,374,000</u>
General Fund--Private/Local Appropriation \$ ((456,000))	
	<u>331,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$ ((19,468,000))	
	<u>15,969,000</u>
TOTAL APPROPRIATION \$ ((55,781,000))	
	<u>45,695,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$457.29 per eligible employee for fiscal year 2002, and ((~~\$497.69~~)) \$482.38 for fiscal year 2003.

(b) Within the rates in (a) of this subsection, \$2.02 per eligible employee shall be included in the employer funding rate for fiscal year 2002, and \$4.10 per eligible employee shall be included in the employer funding rate for fiscal year 2003, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2002, through December 31, 2002, the subsidy shall be \$85.84. Starting January 1, 2003, the subsidy shall be (~~(\$102.55)~~) \$92.74 per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$32.41 per month beginning September 1, 2001, and (~~(\$37.48)~~) \$36.36 beginning September 1, 2002;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$32.41 each month beginning September 1, 2001, and (~~(\$37.48)~~) \$36.36 beginning September 1, 2002, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2001-2003 transportation appropriations act.

Sec. 712. 2001 2nd sp.s. c 7 s 717 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002) \$ (~~(15,552,000)~~)

15,437,000

General Fund--State Appropriation (FY 2003) \$ (~~(16,668,000)~~)

16,208,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective (~~(July 1, 2001, as provided in Senate Bill No. 6167 or House Bill No. 2236)~~) April 1, 2002, as provided in House Bill No. 2782.

(2) There is appropriated for contributions to the judicial retirement system:
General Fund--State Appropriation (FY 2002) \$ 6,000,000
General Fund--State Appropriation (FY 2003) \$ 6,000,000

(3) There is appropriated for contributions to the judges retirement system:
General Fund--State Appropriation (FY 2002) \$ 250,000
General Fund--State Appropriation (FY 2003) \$ 250,000
TOTAL APPROPRIATION \$ ((44,720,000))

44,145,000

NEW SECTION. Sec. 713. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION SAVINGS. The office of financial management shall reduce allotments from the appropriations for agencies of the state by \$1,208,000 from the general fund--state fiscal year 2002 appropriations, \$4,929,000 from the general fund--state fiscal year 2003 appropriations, \$1,606,000 from the general fund--federal 2001-03 appropriations, \$148,000 from the general fund--private/local 2001-03 appropriations, and \$4,326,000 from other funds 2001-03 appropriations to reflect savings from pension contribution rate reductions, effective April 1, 2002, as provided in House Bill No. 2782.

Sec. 714. 2001 2nd sp.s. c 7 s 719 (uncodified) is amended to read as follows:

SALARY COST OF LIVING ADJUSTMENT

General Fund--State Appropriation (FY 2002) \$ 41,712,000	
General Fund--State Appropriation (FY 2003) \$ ((73,358,000))	
	<u>44,469,000</u>
General Fund--Federal Appropriation \$ ((37,955,000))	
	<u>25,629,000</u>
General Fund--Private/Local Appropriation \$ ((2,325,000))	
	<u>1,876,000</u>
Salary and Insurance Increase Revolving Account Appropriation \$ ((92,156,000))	
	<u>68,224,000</u>
TOTAL APPROPRIATION \$ ((247,506,000))	
	<u>181,910,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.7 percent salary increase effective July 1, 2001, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. ((Funds are also provided for salary increases for classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(2) The appropriations in this section are sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. ((Funds are also provided for salary increases for these employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for ferry workers consistent with the 2001-03 transportation appropriations act. ((Funds are also provided for salary increases for ferry workers on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

Sec. 715. 2001 2nd sp.s. c 7 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2002) \$ 11,264,000
~~((General Fund--State Appropriation (FY 2003) \$ 11,264,000
TOTAL APPROPRIATION \$ 22,528,000))~~

The appropriation((s)) in this section ((~~are~~)) is subject to the following conditions and limitations:

(1) The appropriation((s)) in this section ((~~are~~)) is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

(2) Use of these moneys to connect public libraries are limited to public libraries which have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that protects against access to visual depictions that are (a) obscene under chapter 9.68 RCW; or (b) sexual exploitation of children under chapter 9.68A RCW.

Sec. 716. 2001 2nd sp.s. c 7 s 722 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD

General Fund--State Appropriation (FY 2002) \$ ((9,179,000))	<u>9,183,000</u>
General Fund--State Appropriation (FY 2003) \$ ((18,359,000))	<u>18,369,000</u>
General Fund--Federal Appropriation \$ 10,392,000	
Salary and Insurance Increase Revolving Account Appropriation \$ ((2,735,000))	<u>2,809,000</u>
TOTAL APPROPRIATION \$ ((40,665,000))	<u>40,753,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the priority classes identified through item 8B pursuant to RCW 41.06.152. The salary increases shall be effective January 1, 2002.

NEW SECTION. **Sec. 717.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--RECRUITMENT AND RETENTION POOL

General Fund--State Appropriation (FY 2003) \$ 6,000,000
General Fund--Federal Appropriation (FY 2003) \$ 2,000,000
TOTAL APPROPRIATION \$ 8,000,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is for salary and benefit

increases for recruitment and retention problems, and may include actions to be determined by the governor. These actions may include, but are not limited to, salary survey adjustments and implementation of salary increase recommendations of the Washington personnel resources board pursuant to RCW 41.06.152.

Sec. 718. 2001 2nd sp.s. c 7 s 723 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2002. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2002, from the total amount of unspent fiscal year 2002 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

~~((3))~~ (4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

Sec. 719. 2001 2nd sp.s. c 7 s 724 (uncodified) is amended to read as follows:

INCENTIVE SAVINGS--FY 2003. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

~~((3))~~ (4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act, or any amounts included in across-the-board allotment reductions under RCW 43.88.110.

NEW SECTION. **Sec. 720.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY
CRIMINAL JUSTICE COSTS**

~~((General Fund--State Appropriation (FY 2003)))~~ Public Safety and Education Account--
State Appropriation \$ 394,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

Franklin \$ 312,000
Stevens \$ 82,000

NEW SECTION. Sec. 721. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE

General Fund--State Appropriation (FY 2003) \$ 5,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following counties in the amounts designated:

Adams \$ 51,000
Asotin \$ 366,000
Benton \$ 68,000
Chelan \$ 250,000
Columbia \$ 516,000
Douglas \$ 212,000
Ferry \$ 358,000
Franklin \$ 75,000
Garfield \$ 524,000
Lincoln \$ 121,000
Mason \$ 353,000
Okanogan \$ 495,000
Pacific \$ 122,000
Pend Oreille \$ 179,000
Stevens \$ 382,000
Wahkiakum \$ 391,000
Walla Walla \$ 195,000
Yakima \$ 342,000
TOTAL \$ 5,000,000

Sec. 722. 2001 2nd sp.s. c 7 s 727 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY CORPORATION ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ 24,410,534

~~((General Fund--State Appropriation (FY 2003) \$ 25,137,970~~

~~TOTAL APPROPRIATION \$ 49,548,504))~~

The appropriation((s)) in this section ((~~are~~)) is subject to the following conditions and limitations:

(1)(a) The department shall withhold distributions under subsection (2) of this section to any county that has not paid its fifty percent share of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits for the fiscal year. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve.

(b) After receiving written notification from the office of the administrator for the courts that a county has paid its fifty percent share as required under (a) of this subsection, the department shall distribute the amount designated for the fiscal year under subsection (2) of this section.

(2) The director of community, trade, and economic development shall distribute the appropriations to the following counties in the amounts designated:

~~((2001-03))~~

County FY 2002 ((FY 2003 Biennium))

Adams 290,303 ((~~295,993-586,296~~))
Asotin 422,074 ((~~434,598-856,672~~))
Benton 966,480 ((~~999,163-1,965,643~~))
Chelan 637,688 ((~~651,982-1,289,670~~))
Clallam 444,419 ((~~454,391-898,810~~))
Clark 641,571 ((~~678,997-1,320,568~~))
Columbia 561,888 ((~~572,901-1,134,789~~))
Cowlitz 771,879 ((~~795,808-1,567,687~~))
Douglas 505,585 ((~~528,184-1,033,769~~))
Ferry 389,909 ((~~397,551-787,460~~))
Franklin 442,624 ((~~464,018-906,642~~))
Garfield 571,303 ((~~582,501-1,153,804~~))
Grant 579,631 ((~~604,072-1,183,703~~))
Grays Harbor 540,315 ((~~550,905-1,091,220~~))
Island 483,589 ((~~503,205-986,794~~))
Jefferson 239,914 ((~~249,924-489,838~~))
King 2,661,862 ((~~2,720,716-5,382,578~~))
Kitsap 469,992 ((~~480,178-950,170~~))
Kittitas 366,971 ((~~383,027-749,998~~))
Klickitat 204,726 ((~~217,555-422,281~~))
Lewis 583,702 ((~~598,004-1,181,706~~))
Lincoln 290,754 ((~~302,151-592,905~~))
Mason 905,060 ((~~930,959-1,836,019~~))
Okanogan 548,848 ((~~560,332-1,109,180~~))
Pacific 344,047 ((~~350,790-694,837~~))
Pend Oreille 280,342 ((~~285,837-566,179~~))
Pierce 1,246,530 ((~~1,284,087-2,530,617~~))
San Juan 85,712 ((~~91,859-177,571~~))
Skagit 911,491 ((~~944,914-1,856,405~~))
Skamania 172,840 ((~~176,228-349,068~~))
Snohomish 1,017,209 ((~~1,058,571-2,075,780~~))
Spokane 804,124 ((~~823,359-1,627,483~~))
Stevens 811,482 ((~~835,598-1,647,080~~))
Thurston 1,031,888 ((~~1,061,579-2,093,467~~))
Wahkiakum 507,528 ((~~517,476-1,025,004~~))
Walla Walla 241,341 ((~~247,105-488,446~~))
Whatcom 408,025 ((~~429,069-837,094~~))
Whitman 134,870 ((~~138,191-273,061~~))
Yakima 1,892,018 ((~~1,936,192-3,828,210~~))
TOTAL APPROPRIATIONS 24,410,534 ((~~25,137,970-49,548,504~~))

Sec. 723. 2001 2nd sp.s. c 7 s 728 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL CORPORATION ASSISTANCE

General Fund--State Appropriation (FY 2002) \$ 45,884,610
~~((General Fund--State Appropriation (FY 2003) \$ 47,251,839~~

~~TOTAL APPROPRIATION \$ 93,136,449))~~

The appropriation(s) in this section (~~are~~) is subject to the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the appropriation to the following cities and municipalities in the amounts designated:

~~((2001-03))~~

~~City FY 2002 ((FY 2003 Biennium))~~

Aberdeen 119,986 (~~(123,562-243,548)~~)
Airway Heights 111,259 (~~(114,575-225,834)~~)
Albion 66,339 (~~(68,316-134,655)~~)
Algona 32,672 (~~(33,646-66,318)~~)
Almira 12,519 (~~(12,892-25,411)~~)
Anacortes 70,930 (~~(73,044-143,974)~~)
Arlington 42,344 (~~(43,606-85,950)~~)
Asotin 57,623 (~~(59,340-116,963)~~)
Auburn 192,405 (~~(198,139-390,544)~~)
Bainbridge Island 293,851 (~~(302,608-596,459)~~)
Battle Ground 118,303 (~~(121,828-240,131)~~)
Beaux Arts 1,784 (~~(1,837-3,621)~~)
Bellevue 524,203 (~~(539,824-1,064,027)~~)
Bellingham 369,121 (~~(380,121-749,242)~~)
Benton City 111,380 (~~(114,699-226,079)~~)
Bingen 6,602 (~~(6,799-13,401)~~)
Black Diamond 254,698 (~~(262,288-516,986)~~)
Blaine 20,853 (~~(21,474-42,327)~~)
Bonney Lake 158,738 (~~(163,468-322,206)~~)
Bothell 137,270 (~~(141,361-278,631)~~)
Bremerton 214,020 (~~(220,398-434,418)~~)
Brewster 11,250 (~~(11,585-22,835)~~)
Bridgeport 188,216 (~~(193,825-382,041)~~)
Brier 532,011 (~~(547,865-1,079,876)~~)
Buckley 68,227 (~~(70,260-138,487)~~)
Bucoda 52,876 (~~(54,452-107,328)~~)
Burien 284,265 (~~(292,736-577,001)~~)
Burlington 27,407 (~~(28,224-55,631)~~)
Camas 53,654 (~~(55,253-108,907)~~)
Carbonado 56,785 (~~(58,477-115,262)~~)
Carnation 9,593 (~~(9,879-19,472)~~)
Cashmere 120,801 (~~(124,401-245,202)~~)
Castle Rock 29,980 (~~(30,873-60,853)~~)
Cathlamet 6,265 (~~(6,452-12,717)~~)
Centralia 101,426 (~~(104,448-205,874)~~)
Chehalis 34,601 (~~(35,632-70,233)~~)
Chelan 19,515 (~~(20,097-39,612)~~)
Cheney 314,316 (~~(323,683-637,999)~~)
Chewelah 66,731 (~~(68,720-135,451)~~)
Clarkston 83,910 (~~(86,411-170,321)~~)
Cle Elum 8,692 (~~(8,951-17,643)~~)
Clyde Hill 136,778 (~~(140,854-277,632)~~)
Colfax 74,672 (~~(76,897-151,569)~~)
College Place 526,480 (~~(542,169-1,068,649)~~)
Colton 27,473 (~~(28,292-55,765)~~)

Colville 23,389 ((~~24,086-47,475~~))
Conconully 13,675 ((~~14,083-27,758~~))
Concrete 27,006 ((~~27,811-54,817~~))
Connell 164,950 ((~~169,866-334,816~~))
Cosmopolis 15,395 ((~~15,854-31,249~~))
Coulee City 2,804 ((~~2,888-5,692~~))
Coulee Dam 61,408 ((~~63,238-124,646~~))
Coupeville 7,708 ((~~7,938-15,646~~))
Covington 690,851 ((~~711,438-1,402,289~~))
Creston 12,905 ((~~13,290-26,195~~))
Cusick 9,341 ((~~9,619-18,960~~))
Darrington 59,838 ((~~61,621-121,459~~))
Davenport 66,350 ((~~68,327-134,677~~))
Dayton 92,685 ((~~95,447-188,132~~))
Deer Park 16,059 ((~~16,538-32,597~~))
Des Moines 1,482,120 ((~~1,526,287-3,008,407~~))
Dupont 8,109 ((~~8,351-16,460~~))
Duvall 66,128 ((~~68,099-134,227~~))
East Wenatchee 30,678 ((~~31,592-62,270~~))
Eatonville 8,848 ((~~9,112-17,960~~))
Edgewood 901,766 ((~~928,639-1,830,405~~))
Edmonds 456,336 ((~~469,935-926,271~~))
Electric City 87,243 ((~~89,843-177,086~~))
Ellensburg 81,982 ((~~84,425-166,407~~))
Elma 84,676 ((~~87,199-171,875~~))
Elmer City 29,811 ((~~30,699-60,510~~))
Endicott 28,758 ((~~29,615-58,373~~))
Entiat 58,244 ((~~59,980-118,224~~))
Enumclaw 53,013 ((~~54,593-107,606~~))
Ephrata 59,987 ((~~61,775-121,762~~))
Everett 495,428 ((~~510,192-1,005,620~~))
Everson 67,517 ((~~69,529-137,046~~))
Fairfield 18,540 ((~~19,092-37,632~~))
Farmington 12,072 ((~~12,432-24,504~~))
Federal Way 470,179 ((~~484,190-954,369~~))
Ferndale 74,669 ((~~76,894-151,563~~))
Fife 25,411 ((~~26,168-51,579~~))
Fircrest 386,146 ((~~397,653-783,799~~))
Forks 110,712 ((~~114,011-224,723~~))
Friday Harbor 9,791 ((~~10,083-19,874~~))
Garfield 45,263 ((~~46,612-91,875~~))
George 19,319 ((~~19,895-39,214~~))
Gig Harbor 31,615 ((~~32,557-64,172~~))
Gold Bar 134,531 ((~~138,540-273,071~~))
Goldendale 49,519 ((~~50,995-100,514~~))
Grand Coulee 5,805 ((~~5,978-11,783~~))
Grandview 256,347 ((~~263,986-520,333~~))
Granger 173,094 ((~~178,252-351,346~~))
Granite Falls 10,946 ((~~11,272-22,218~~))
Hamilton 17,437 ((~~17,957-35,394~~))
Harrah 46,947 ((~~48,346-95,293~~))
Harrington 18,107 ((~~18,647-36,754~~))
Hartline 11,392 ((~~11,731-23,123~~))
Hatton 12,176 ((~~12,539-24,715~~))

Hoquiam 374,903 ((~~386,075-760,978~~))
Hunts Point 2,432 ((~~2,504-4,936~~))
Ilwaco 13,150 ((~~13,542-26,692~~))
Index 4,181 ((~~4,306-8,487~~))
Ione 17,566 ((~~18,089-35,655~~))
Issaquah 50,002 ((~~51,492-101,494~~))
Kahlotus 20,210 ((~~20,812-41,022~~))
Kalama 7,892 ((~~8,127-16,019~~))
Kelso 68,904 ((~~70,957-139,861~~))
Kenmore 1,099,395 ((~~1,132,157-2,231,552~~))
Kennewick 293,534 ((~~302,281-595,815~~))
Kent 360,624 ((~~371,371-731,995~~))
Kettle Falls 64,422 ((~~66,342-130,764~~))
Kirkland 221,429 ((~~228,028-449,457~~))
Kittitas 72,698 ((~~74,864-147,562~~))
Krupp 4,445 ((~~4,577-9,022~~))
La Center 34,415 ((~~35,441-69,856~~))
La Conner 3,817 ((~~3,931-7,748~~))
La Crosse 20,141 ((~~20,741-40,882~~))
Lacey 143,243 ((~~147,512-290,755~~))
Lake Forest Park 897,932 ((~~924,690-1,822,622~~))
Lake Stevens 142,295 ((~~146,535-288,830~~))
Lakewood 2,955,109 ((~~3,043,171-5,998,280~~))
Lamont 7,492 ((~~7,715-15,207~~))
Langley 5,303 ((~~5,461-10,764~~))
Latah 11,962 ((~~12,318-24,280~~))
Leavenworth 12,189 ((~~12,552-24,741~~))
Lind 2,217 ((~~2,283-4,500~~))
Long Beach 10,269 ((~~10,575-20,844~~))
Longview 249,836 ((~~257,281-507,117~~))
Lyman 16,741 ((~~17,240-33,981~~))
Lynden 42,717 ((~~43,990-86,707~~))
Lynnwood 163,579 ((~~168,454-332,033~~))
Mabton 142,491 ((~~146,737-289,228~~))
Malden 21,588 ((~~22,231-43,819~~))
Mansfield 26,744 ((~~27,541-54,285~~))
Maple Valley 359,478 ((~~370,190-729,668~~))
Marcus 14,126 ((~~14,547-28,673~~))
Marysville 102,028 ((~~105,068-207,096~~))
Mattawa 100,064 ((~~103,046-203,110~~))
McCleary 105,807 ((~~108,960-214,767~~))
Medical Lake 114,323 ((~~117,730-232,053~~))
Medina 14,355 ((~~14,783-29,138~~))
Mercer Island 383,527 ((~~394,956-778,483~~))
Mesa 16,835 ((~~17,337-34,172~~))
Metaline 14,150 ((~~14,572-28,722~~))
Metaline Falls 7,718 ((~~7,948-15,666~~))
Mill Creek 174,495 ((~~179,695-354,190~~))
Millwood 22,619 ((~~23,293-45,912~~))
Milton 28,030 ((~~28,865-56,895~~))
Monroe 56,517 ((~~58,201-114,718~~))
Montesano 60,229 ((~~62,024-122,253~~))
Morton 5,891 ((~~6,067-11,958~~))
Moses Lake 105,670 ((~~108,819-214,489~~))

Mossyrock 16,545 ((~~17,038~~ 33,583))
Mount Vernon 130,780 ((~~134,677~~ 265,457))
Mountlake Terrace 711,188 ((~~732,381~~ 1,443,569))
Moxee 40,448 ((~~41,653~~ 82,101))
Mukilteo 274,482 ((~~282,662~~ 557,144))
Naches 7,632 ((~~7,859~~ 15,491))
Napavine 96,030 ((~~98,892~~ 194,922))
Nespelem 17,614 ((~~18,139~~ 35,753))
Newcastle 290,801 ((~~299,467~~ 590,268))
Newport 13,223 ((~~13,617~~ 26,840))
Nooksack 58,178 ((~~59,912~~ 118,090))
Normandy Park 489,113 ((~~503,689~~ 992,802))
North Bend 20,754 ((~~21,372~~ 42,126))
North Bonneville 30,574 ((~~31,485~~ 62,059))
Northport 23,489 ((~~24,189~~ 47,678))
Oak Harbor 278,157 ((~~286,446~~ 564,603))
Oakesdale 31,060 ((~~31,986~~ 63,046))
Oakville 43,411 ((~~44,705~~ 88,116))
Ocean Shores 64,837 ((~~66,769~~ 131,606))
Odessa 4,721 ((~~4,862~~ 9,583))
Okanogan 12,323 ((~~12,690~~ 25,013))
Olympia 198,476 ((~~204,391~~ 402,867))
Omak 26,117 ((~~26,895~~ 53,012))
Oroville 12,506 ((~~12,879~~ 25,385))
Orting 191,211 ((~~196,909~~ 388,120))
Othello 26,808 ((~~27,607~~ 54,415))
Pacific 69,124 ((~~71,184~~ 140,308))
Palouse 55,067 ((~~56,708~~ 111,775))
Pasco 131,298 ((~~135,211~~ 266,509))
Pateros 28,021 ((~~28,856~~ 56,877))
Pe Ell 54,800 ((~~56,433~~ 111,233))
Pomeroy 52,485 ((~~54,049~~ 106,534))
Port Angeles 124,595 ((~~128,308~~ 252,903))
Port Orchard 41,797 ((~~43,043~~ 84,840))
Port Townsend 47,126 ((~~48,530~~ 95,656))
Poulsbo 31,812 ((~~32,760~~ 64,572))
Prescott 12,349 ((~~12,717~~ 25,066))
Prosser 24,137 ((~~24,856~~ 48,993))
Pullman 584,659 ((~~602,082~~ 1,186,741))
Puyallup 151,732 ((~~156,254~~ 307,986))
Quincy 20,244 ((~~20,847~~ 41,091))
Rainier 111,521 ((~~114,844~~ 226,365))
Raymond 85,311 ((~~87,853~~ 173,164))
Reardan 38,184 ((~~39,322~~ 77,506))
Redmond 215,259 ((~~221,674~~ 436,933))
Renton 235,053 ((~~242,058~~ 477,111))
Republic 25,085 ((~~25,833~~ 50,918))
Richland 441,733 ((~~454,897~~ 896,630))
Ridgefield 55,637 ((~~57,295~~ 112,932))
Ritzville 8,498 ((~~8,751~~ 17,249))
Riverside 27,204 ((~~28,015~~ 55,219))
Rock Island 36,527 ((~~37,616~~ 74,143))
Rockford 18,965 ((~~19,530~~ 38,495))
Rosalia 36,719 ((~~37,813~~ 74,532))

Roslyn 64,571 ((~~66,495~~ 131,066))
Roy 1,709 ((~~1,760~~ 3,469))
Royal City 66,657 ((~~68,643~~ 135,300))
Ruston 50,309 ((~~51,808~~ 102,117))
Sammamish 2,361,433 ((~~2,431,804~~ 4,793,237))
Seatac 132,183 ((~~136,122~~ 268,305))
Seattle 3,189,346 ((~~3,284,389~~ 6,473,735))
Sedro-Woolley 54,896 ((~~56,532~~ 111,428))
Selah 80,704 ((~~83,109~~ 163,813))
Sequim 21,867 ((~~22,519~~ 44,386))
Shelton 58,160 ((~~59,893~~ 118,053))
Shoreline 1,485,138 ((~~1,529,395~~ 3,014,533))
Skykomish 1,417 ((~~1,459~~ 2,876))
Snohomish 40,722 ((~~41,936~~ 82,658))
Snoqualmie 9,587 ((~~9,873~~ 19,460))
Soap Lake 102,783 ((~~105,846~~ 208,629))
South Bend 75,826 ((~~78,086~~ 153,912))
South Cle Elum 46,847 ((~~48,243~~ 95,090))
South Prairie 18,788 ((~~19,348~~ 38,136))
Spangle 1,397 ((~~1,439~~ 2,836))
Spokane 1,116,419 ((~~1,149,688~~ 2,266,107))
Sprague 22,930 ((~~23,613~~ 46,543))
Springdale 11,080 ((~~11,410~~ 22,490))
St. John 4,245 ((~~4,372~~ 8,617))
Stanwood 21,141 ((~~21,771~~ 42,912))
Starbuck 8,949 ((~~9,216~~ 18,165))
Steilacoom 285,807 ((~~294,324~~ 580,131))
Stevenson 11,673 ((~~12,021~~ 23,694))
Sultan 63,199 ((~~65,082~~ 128,281))
Sumas 7,885 ((~~8,120~~ 16,005))
Sumner 41,931 ((~~43,181~~ 85,112))
Sunnyside 70,805 ((~~72,915~~ 143,720))
Tacoma 1,384,646 ((~~1,425,908~~ 2,810,554))
Tekoa 49,373 ((~~50,844~~ 100,217))
Tenino 68,820 ((~~70,871~~ 139,691))
Tieton 74,506 ((~~76,726~~ 151,232))
Toledo 8,084 ((~~8,325~~ 16,409))
Tonasket 5,500 ((~~5,664~~ 11,164))
Toppenish 443,488 ((~~456,704~~ 900,192))
Tukwila 75,320 ((~~77,565~~ 152,885))
Tumwater 61,848 ((~~63,691~~ 125,539))
Twisp 4,793 ((~~4,936~~ 9,729))
Union Gap 27,129 ((~~27,937~~ 55,066))
Uniontown 19,805 ((~~20,395~~ 40,200))
University Place 1,889,912 ((~~1,946,231~~ 3,836,143))
Vader 40,643 ((~~41,854~~ 82,497))
Vancouver 1,177,584 ((~~1,212,676~~ 2,390,260))
Waitsburg 81,097 ((~~83,514~~ 164,611))
Walla Walla 318,679 ((~~328,176~~ 646,855))
Wapato 230,783 ((~~237,660~~ 468,443))
Warden 105,612 ((~~108,759~~ 214,371))
Washougal 177,022 ((~~182,297~~ 359,319))
Washtucna 20,654 ((~~21,269~~ 41,923))
Waterville 72,880 ((~~75,052~~ 147,932))

Waverly 10,256 ((10,562-20,818))
 Wenatchee 147,602 ((152,001-299,603))
 West Richland 489,752 ((504,347-994,099))
 Westport 13,715 ((14,124-27,839))
 White Salmon 53,746 ((55,348-109,094))
 Wilbur 23,614 ((24,318-47,932))
 Wilkeson 18,762 ((19,321-38,083))
 Wilson Creek 18,403 ((18,951-37,354))
 Winlock 35,212 ((36,261-71,473))
 Winthrop 1,756 ((1,808-3,564))
 Woodinville 56,052 ((57,722-113,774))
 Woodland 17,960 ((18,495-36,455))
 Woodway 12,513 ((12,886-25,399))
 Yacolt 36,636 ((37,728-74,364))
 Yakima 487,766 ((502,301-990,067))
 Yarrow Point 32,121 ((33,078-65,199))
 Yelm 15,677 ((16,144-31,821))
 Zillah 100,818 ((103,822-204,640))
TOTAL APPROPRIATIONS 45,545,942 ((46,903,217-92,449,159))

(2) \$338,668 for fiscal year 2002 ((and \$348,622 for fiscal year 2003)) from this appropriation ((are)) is provided solely to address the contingencies listed in this subsection. The department shall distribute the moneys no later than March 31, 2002, ((and March 31, 2003,)) for the respective appropriations. Moneys shall be distributed for the following purposes, ranked in order of priority:

- (a) To correct for data errors in the determination of distributions in subsection (1) of this section;
- (b) To distribute to newly qualifying jurisdictions as if the jurisdiction had been in existence prior to November 1999;
- (c) To allocate under emergency situations as determined by the director of the department of community, trade, and economic development in consultation with the association of Washington cities; and
- (d) After April 1((st of each year in the fiscal biennium ending June 30, 2003)), 2001, any moneys remaining from the amounts provided in this subsection shall be prorated and distributed to cities and towns on the basis of the amounts distributed for emergency considerations in November 2000 as provided in section 729, chapter 1, Laws of 2000, 2nd sp. sess.

NEW SECTION. Sec. 724. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE

General Fund--State Appropriation (FY 2003) \$ 8,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

Airway Heights \$ 10,000
 Albion \$ 55,000
 Almira \$ 2,000
 Asotin \$ 22,000
 Benton City \$ 35,000
 Black Diamond \$ 42,000

Bridgeport \$ 155,000
Brier \$ 294,000
Bucoda \$ 34,000
Carbonado \$ 34,000
Cashmere \$ 30,000
Cheney \$ 44,000
Chewelah \$ 3,000
Colfax \$ 2,000
College Place \$ 314,000
Colton \$ 12,000
Conconully \$ 9,000
Concrete \$ 3,000
Connell \$ 62,000
Coulee Dam \$ 13,000
Covington \$ 268,000
Creston \$ 4,000
Cusick \$ 1,000
Darrington \$ 13,000
Davenport \$ 10,000
Dayton \$ 3,000
Des Moines \$ 367,000
Edgewood \$ 622,000
Electric City \$ 61,000
Elma \$ 4,000
Elmer City \$ 25,000
Endicott \$ 24,000
Entiat \$ 23,000
Everson \$ 11,000
Fairfield \$ 3,000
Farmington \$ 6,000
Fircrest \$ 114,000
Forks \$ 11,000
Garfield \$ 28,000
George \$ 5,000
Gold Bar \$ 66,000
Grandview \$ 35,000
Granger \$ 64,000
Hamilton \$ 9,000
Harrah \$ 36,000
Harrington \$ 2,000
Hartline \$ 7,000
Hatton \$ 10,000
Hoquiam \$ 44,000
Index \$ 1,000
Ione \$ 4,000
Kahlotus \$ 13,000
Kenmore \$ 301,000
Kettle Falls \$ 9,000
Kittitas \$ 38,000
Krupp \$ 2,000
Lacrosse \$ 6,000
Lake Forest Park \$ 311,000
Lake Stevens \$ 10,000
Lakewood \$ 808,000

Lamont \$ 6,000
Latah \$ 6,000
Lyman \$ 8,000
Mabton \$ 117,000
Malden \$ 18,000
Mansfield \$ 18,000
Maple Valley \$ 38,000
Marcus \$ 8,000
Mattawa \$ 39,000
McCleary \$ 33,000
Medical Lake \$ 22,000
Mesa \$ 4,000
Metaline \$ 5,000
Metaline Falls \$ 2,000
Mossyrock \$ 1,000
Mountlake Terrace \$ 72,000
Moxee \$ 5,000
Napavine \$ 44,000
Nespelem \$ 15,000
Newcastle \$ 4,000
Nooksack \$ 29,000
Normandy Park \$ 187,000
North Bonneville \$ 4,000
Northport \$ 16,000
Oakesdale \$ 7,000
Oakville \$ 16,000
Orting \$ 27,000
Palouse \$ 17,000
Pateros \$ 1,000
Pe Ell \$ 45,000
Pomeroy \$ 6,000
Prescott \$ 3,000
Pullman \$ 49,000
Rainier \$ 61,000
Raymond \$ 1,000
Reardan \$ 19,000
Republic \$ 3,000
Riverside \$ 16,000
Rock Island \$ 13,000
Rockford \$ 4,000
Rosalia \$ 15,000
Roslyn \$ 26,000
Royal City \$ 27,000
Ruston \$ 18,000
Sammamish \$ 737,000
Shoreline \$ 148,000
Soap Lake \$ 43,000
South Bend \$ 12,000
South Cle Elum \$ 25,000
South Prairie \$ 4,000
Sprague \$ 3,000
Springdale \$ 2,000
Starbuck \$ 6,000
Steilacoom \$ 44,000

Tekoa \$ 11,000
 Tenino \$ 15,000
 Tieton \$ 28,000
 Toppenish \$ 143,000
 Uniontown \$ 7,000
 University Place \$ 700,000
 Vader \$ 28,000
 Waitsburg \$ 35,000
 Wapato \$ 80,000
 Warden \$ 22,000
 Washtucna \$ 17,000
 Waterville \$ 29,000
 Waverly \$ 8,000
 West Richland \$ 191,000
 White Salmon \$ 2,000
 Wilbur \$ 1,000
 Wilkeson \$ 2,000
 Wilson Creek \$ 8,000
 Yacolt \$ 8,000
 Zillah \$ 12,000

TOTAL \$ 8,000,000

Sec. 725. 2001 2nd sp.s. c 7 s 730 (uncodified) is amended to read as follows:

FOR THE LIABILITY ACCOUNT

General Fund--State Appropriation (FY 2002) \$ 12,000,000

General Fund--State Appropriation (FY 2003) \$ ((6,392,000))

19,392,000

((State Surplus Assets Reserve Fund--State Appropriation \$ 25,000,000))

TOTAL APPROPRIATION \$ 31,392,000

The appropriations in this section are provided solely for deposit in the liability account.

NEW SECTION. Sec. 726. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

- (a) Eythor Westman, claim number SCJ 02-01 \$ 7,000
- (b) Stacey Julian, claim number SCJ 02-02 \$ 59,136
- (c) Christopher Denney, claim number SCJ 02-03 \$ 11,598
- (d) Onofre Vazquez, claim number SCJ 02-04 \$ 200
- (e) William Voorhies, claim number SCJ 02-05 \$ 3,694
- (f) Glenn Rowlison, claim number SCJ 02-06 \$ 14,395
- (g) Frankie Doerr, claim number SCJ 02-07 \$ 9,100
- (h) Ralph Howard, claim number SCJ 00-09 \$ 99,497
- (i) Johnny Adams, claim number SCJ 01-17 \$ 11,916
- (j) Shane Mathus, claim number SCJ 02-08 \$ 13,043
- (k) Timothy Farnam, claim number SCJ 02-09 \$ 21,822
- (l) Rebecca Williams, claim number SCJ 02-10 \$ 2,241

- (m) Stewart Bailey, claim number SCJ 02-11 \$ 4,186
- (n) Aaron Knaack, claim number SCJ 02-13 \$ 4,330
- (o) Jacob Clark, claim number SCJ 02-14 \$ 11,613
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
 - (a) Ronald Palmer, claim number SCG 02-01 \$ 1,522
 - (b) Keith Morris, claim number SCG 02-02 \$ 1,315
 - (c) Edgar Roush, claim number SCG 02-03 \$ 1,459

Sec. 727. 2001 2nd sp.s. c 7 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND

General Fund--State Appropriation (FY 2002) \$ 850,000

General Fund--State Appropriation (FY 2003) \$ ((850,000))

	<u>8,010,000</u>
TOTAL APPROPRIATION \$ ((1,700,000))	<u>8,860,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency. Up to \$5,298,000 of the fiscal year 2003 appropriation is provided for costs associated with implementing House Bill No. 2926 (transferring the state library to the office of secretary of state.)

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2001 2nd sp.s. c 7 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions \$ ((6,528,600))

	<u>7,526,700</u>
General Fund Appropriation for public utility district excise tax distributions \$ ((36,427,306))	<u>34,754,723</u>

	<u>3,110,000</u>
General Fund Appropriation for prosecuting attorney distributions \$ ((3,090,000))	<u>3,110,000</u>

General Fund Appropriation for boating safety/education and law enforcement distributions \$ 3,780,000

	<u>1,951,556</u>
General Fund Appropriation for other tax distributions \$ ((39,566))	<u>1,951,556</u>

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies \$ 1,621,537

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$ 147,500

Timber Tax Distribution Account Appropriation for distribution to "timber" counties \$ ((68,562,000))

	<u>57,405,032</u>
County Criminal Justice Assistance Appropriation \$ 49,835,213	<u>57,405,032</u>
Municipal Criminal Justice Assistance Appropriation \$ 19,988,097	
Liquor Excise Tax Account Appropriation for liquor excise tax distribution \$ 28,659,331	
Liquor Revolving Account Appropriation for liquor profits distribution \$ 55,344,817	
TOTAL APPROPRIATION \$ ((274,023,967))	<u>264,124,506</u>

264,124,506

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2001 2nd sp.s. c 7 s 805 (uncodified) is amended to read as follows:
FOR THE STATE TREASURER--TRANSFERS

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

Public Facilities Construction Loan and Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 \$ 1,418,456

Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31, 2001 \$ 2,000,000

Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative \$ 6,000,000

State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget \$ 9,000,000

General Fund: For transfer to the flood control assistance account \$ 4,000,000

Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 12,564,487

Health Services Account: For transfer to the water quality account \$ 6,447,500

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by \$4,000,000 in fiscal year 2002 and by \$8,393,000 in fiscal year 2003 to reflect this transfer \$ ((8,000,000))

12,393,000

Public Works Assistance Account: For transfer to the drinking water assistance account \$ 7,700,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$ ((310,000,000))

256,700,000

General Fund: For transfer to the water quality account \$ ((60,325,000))

60,821,172

Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$ ((130,000,000))

150,000,000

~~((Health Services Account: For transfer to the state general fund by June 30, 2003. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2003 to reflect this transfer \$ 20,000,000~~

~~State Surplus Assets Reserve Fund: For transfer to the multimodal transportation account by June 30, 2002 \$ 70,000,000))~~

Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$ 70,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$ 6,497,500

Gambling Revolving Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2002 and \$450,000 for fiscal year 2003 \$ 2,450,000
Horticultural Districts Account: For transfer to the fruit and vegetable inspection account \$ 11,075,000
Agricultural Local Account: For transfer to the fruit and vegetable inspection account \$ 605,000
Nisqually Earthquake Account: For transfer to the disaster response account for fire suppression and mobilization costs \$ 32,802,000
Enhanced 911 Account: For transfer to the state general fund for fiscal year 2003 \$ 6,000,000
Clarke-McNary Fund: For transfer to the state general fund for fiscal year 2002 \$ 4,000,000
State Drought Preparedness Account: For transfer to the state general fund for fiscal year 2002 \$ 3,000,000
Financial Services Regulation Fund: For transfer to the state general fund, \$2,250,000 for fiscal year 2002 and \$357,000 for fiscal year 2003 \$ 2,607,000
Industrial Insurance Premium Refund Account:
For transfer to the state general fund for fiscal year 2002 \$ 1,000,000
Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2003 \$ 504,000
Liquor Revolving Account: For transfer to the state general fund for fiscal year 2003 \$ 2,059,000
Lottery Administrative Account: For transfer to the state general fund for fiscal year 2003 \$ 335,000
Emergency Medical Services and Trauma Care System Trust Account: For transfer to the state general fund for fiscal year 2002 \$ 6,000,000
Public Service Revolving Account: For transfer to the state general fund for fiscal year 2003 \$ 406,000
Local Leasehold Excise Tax Account: For transfer of interest to the state general fund by June 1, 2002, for fiscal year 2002 \$ 1,000,000
Insurance Commissioner's Regulatory Account: For transfer to the state general fund for fiscal year 2003 \$ 366,000
Health Services Account: For transfer to the tobacco prevention and control account \$ 21,980,000
From the Emergency Reserve Fund: For transfer to the state general fund:
On June 28, 2002 \$ 300,000,000
On June 28, 2003 \$ 25,000,000
Tobacco Securitization Trust Account: For transfer to the state general fund for fiscal year 2003 \$ 450,000,000

PART IX MISCELLANEOUS

Sec. 901. RCW 9.46.100 and 1991 sp.s. c 16 s 917 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

~~((The state treasurer shall transfer to the general fund one million dollars from the gambling revolving fund for the 1991-93 fiscal biennium.))~~ During the 2001-2003 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 902. RCW 28B.50.837 and 1993 c 87 s 1 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. During the 2001-2003 fiscal biennium, the legislature may appropriate funds from the college faculty awards trust fund for the purposes of the settlement costs of the *Mader v. State* litigation regarding retirement contributions on behalf of part-time faculty.

Sec. 903. RCW 38.52.105 and 1997 c 251 s 1 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts. During the 2001-03 biennium, funds from the account may also be used for costs associated with national security preparedness activities.

Sec. 904. RCW 38.52.106 and 2001 c 5 s 2 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2001-2003 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs, and costs associated with national security preparedness activities.

Sec. 905. RCW 38.52.540 and 2001 c 128 s 2 are each amended to read as follows:

The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system and to help supplement, within available funds, the operational costs of the system. Funds shall not be distributed to any county that has not imposed the maximum county enhanced 911 taxes allowed under RCW 82.14B.030 (1) and (2). The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account. During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 906. RCW 41.06.150 and 1999 c 297 s 3 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;

(15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.

(a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.

(b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:

(i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:

(A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;

(B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(20) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United

States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(21) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(22) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(23) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Notwithstanding this section and rules of the board adopted under this section, agencies may place employees on temporary unpaid leave during the 2001-2003 fiscal biennium for the purpose of implementing appropriations reductions enacted in the 2002 supplemental appropriations act. Mandatory unpaid leave must be approved by the agency director, and must be, to the greatest extent possible, mutually agreeable to the employee and employer. Employees taking mandatory temporary unpaid leave will not lose seniority, leave accrual, or health insurance benefits.

Sec. 907. RCW 43.10.220 and 1999 c 309 s 916 are each amended to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the ~~((1999-01))~~ 2001-03 fiscal biennium, the attorney general may expend ~~((up to one million three hundred thousand dollars))~~ from the antitrust revolving fund for the purposes of ~~((implementing a case management data processing system for the centralized management of cases and workload, including antitrust and other complex litigation))~~ the consumer protection activities of the office.

Sec. 908. RCW 43.30.360 and 1986 c 100 s 46 are each amended to read as follows:

The department and Washington State University may each receive funds from the federal government in connection with cooperative work with the United States department of agriculture, authorized by sections 4 and 5 of the Clarke-McNary act of congress, approved June 7, 1924, providing for the procurement, protection, and distribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts, and farm wood lots and to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, and windbreaks; and are authorized to disburse such funds as needed. During the 2001-2003 fiscal biennium, the legislature may transfer from the Clarke-McNary fund to the state general fund such amounts as reflect the excess fund balance of the Clarke-McNary fund.

Sec. 909. RCW 43.72.900 and 2002 c 2 s 2 (Initiative Measure No. 773) are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, 2002, and every fiscal year thereafter. The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees. For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

During the 2001-2003 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 43.83B.430 and 1999 c 379 s 921 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2001-2003 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 43.88.030 and 2000 2nd sp.s. c 4 s 12 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments,

workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2003-05 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under

chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 912. RCW 43.320.110 and 2001 2nd sp.s. c 7 s 911 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the ~~((state general fund))~~ digital government revolving account. During the 2001-2003 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 913. RCW 48.02.190 and 1987 c 505 s 54 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the 2001-2003 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

Sec. 914. RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

Sec. 915. RCW 50.20.190 and 2001 c 146 s 7 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities and, during the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature.

Sec. 916. RCW 51.44.170 and 1997 c 327 s 1 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or

institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the 2001-2003 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 917. RCW 66.08.170 and 1961 ex.s. c 6 s 1 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the 2001-2003 fiscal biennium, the legislature may transfer from the liquor revolving account to the state general fund such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

Sec. 918. RCW 66.08.235 and 1997 c 75 s 1 are each amended to read as follows:

The liquor control board construction and maintenance account is created within the state treasury. The liquor control board shall deposit into this account a portion of the board's markup, as authorized by chapter 66.16 RCW, placed upon liquor as determined by the board. Moneys in the account may be spent only after appropriation. The liquor control board shall use deposits to this account to fund construction and maintenance of a centralized distribution center for liquor products intended for sale through the board's liquor store and vendor system. During the 2001-2003 fiscal biennium, the legislature may transfer from the liquor control board construction and maintenance account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 919. RCW 67.70.260 and 1985 c 375 s 6 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery. During the 2001-2003 fiscal biennium, the legislature may transfer from the lottery administrative account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 920. RCW 69.50.520 and 2001 2nd sp.s. c 7 s 920 and 2001 c 168 s 3 are each reenacted and amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2001-2003 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, the replacement of the department of corrections' offender-based tracking system, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, civil indigent legal representation, and for multijurisdictional narcotics task forces. After July 1,

2003, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 921. RCW 70.146.030 and 2001 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2001, to June 30, 2003, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.))~~

Sec. 922. RCW 70.168.040 and 1997 c 331 s 2 are each amended to read as follows:

The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110(6) and 46.12.042. Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers. During the 2001-2003 fiscal biennium, the legislature may transfer from the emergency medical services and trauma care system trust account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 923. RCW 79.24.580 and 2001 c 227 s 7 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, ~~((2001))~~ 2003, the funds may be appropriated for boating safety~~((7))~~ and shellfish management, enforcement, and enhancement ~~((and for developing and implementing plans for population monitoring and restoration of native wild salmon stock))~~.

Sec. 924. RCW 80.01.080 and 2001 c 238 s 8 are each amended to read as follows:

~~((The transportation revolving fund and the public utilities revolving fund are abolished as of April 1, 1949, and as of such date))~~ There is created in the state treasury a ~~((1))~~ public service revolving fund~~((1 to which shall be transferred all moneys which then remain on hand to the credit of the transportation revolving fund and the public utilities revolving fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after April 1, 1949,))~~. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the 2001-2003 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

Sec. 925. RCW 82.29A.080 and 1985 c 57 s 84 are each amended to read as follows:

The counties and cities shall contract, prior to the effective date of an ordinance imposing a leasehold excise tax, with the department of revenue for administration and collection. The department of revenue shall deduct a percentage amount, as provided by such contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by RCW 82.29A.040 which is collected by the department of revenue shall be deposited by the state department of revenue in the local leasehold excise tax account hereby created in the state treasury. Moneys in the local leasehold excise tax account may be spent only for distribution to counties and cities imposing a leasehold excise tax.

During the 2001-2003 fiscal biennium, the legislature may transfer from the local leasehold excise tax account to the state general fund such amounts as reflect the interest earnings of the account.

NEW SECTION. Sec. 926. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 927. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 9.46.100, 28B.50.837, 38.52.105, 38.52.106, 38.52.540, 41.06.150, 43.10.220, 43.30.360, 43.72.900, 43.83B.430, 43.88.030, 43.320.110, 48.02.190, 50.20.190, 51.44.170, 66.08.170, 66.08.235, 67.70.260, 70.146.030, 70.168.040, 79.24.580, 80.01.080, and 82.29A.080; amending 2001 2nd sp.s. c 7 ss 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135,

136, 137, 138, 139, 142, 143, 144, 147, 148, 149, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 519, 521, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 706, 713, 716, 717, 719, 720, 722, 723, 724, 727, 728, 730, 705, 801, and 805 (uncodified); reenacting and amending RCW 50.16.010 and 69.50.520; adding new sections to 2001 2nd sp.s. c 7 (uncodified); making appropriations; and declaring an emergency."

Representative Miloscia moved the adoption of amendment (614) to amendment (580):

On page 16, line 35, reduce the general fund-state appropriation for fiscal year 2003 by \$350,000

Correct the total accordingly

On page 17, after line 21, strike all of subsection 3 and insert the following:

"(3) \$150,000 of the general fund-state appropriation for fiscal year 2003 is provided solely for the state auditor to contract for an objective and systematic performance audit of state claims benefits administration.

(a) The independent contractor shall use generally accepted government auditing standards.

The performance audit shall include, but not be limited to, the following:

(i) Validity and reliability of management's performance measures;

(ii) A review of internal controls and internal audits;

(iii) The adequacy of systems used for measuring, reporting, and monitoring performance;

(iv) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and

(v) Identification and recognition of best practices.

(b) The performance audit on state claims benefits shall include direct grants to clients, direct payments to providers, and workers' compensation payments. The following state agencies, at a minimum, shall be subject to audit sampling: department of community, trade, and economic development, the department of employment security, the department of labor and industries, the department of social and health services, and the Washington state health care authority. The performance audit shall indicate and grade agencies' performances in administering state claims benefits. The state auditor shall report the findings of the performance audit to the appropriate legislative committees by November 30, 2002."

On page 29, line 27, increase the general fund-state appropriation for fiscal year 2003 by \$350,000

Correct the total accordingly

On page 30, after line 22, insert the following:

"(4) \$350,000 of the general fund-state appropriation for fiscal year 2003 is provided solely for an assessment and performance scoring of state agencies and separate systemwide performance audits of two governmental functions: state capital construction practices and state contracting practices.

(a) The scorecard on state agencies shall include, but not be limited to, the following:

(i) Quality and process management practices;

(ii) Independent and internal audit functions;

(iii) Internal and external customer satisfaction;

(iv) Program effectiveness;

(v) Fiscal productivity and efficiency; and

(vi) Statutory and regulatory compliance.

Each agency shall be graded on the categories selected for the scorecard. The office of financial management shall submit the results of the performance scoring, forward recommendations for legislation to the governor and the appropriate committees of the legislature by November 30, 2002, and release the results of the performance scoring to the public.

(b) (i) The office of financial management shall conduct separate systemwide performance audits on the state's capital construction and contracting practices using generally accepted government auditing standards. Each performance audit shall include, but not be limited to, a review of the following:

(A) Validity and reliability of management's performance measures;

(B) A review of internal controls and internal audits;

(C) The adequacy of systems used for measuring, reporting, and monitoring performance;

(D) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and

(E) Identification and recognition of best practices.

(ii) The performance audit on state capital construction practices shall include building projects, highway projects, and architectural and engineering services. The following state agencies, at a minimum, shall be subject to audit sampling: department of transportation, department of general administration, and state higher education agencies.

(iii) The performance audit on state contracting practices shall include state agencies with sufficient activity with personal services contracts and other types of contracts to evaluate the state's contracting practices.

(iv) The office of financial management shall grade the results of the performance audits to indicate agencies' performance regarding capital construction and contracting practices. The office of financial management shall report findings from the performance audits to the governor and appropriate legislative committees by November 30, 2002.

(c) The office of financial management may contract for consulting services in completing requirements under this subsection."

Representative Miloscia spoke in favor of the adoption of the amendment.

Representative Sehlin spoke against the adoption of the amendment.

The amendment was adopted.

Representative Cody moved the adoption of amendment (608) to amendment (580):

On page 86, after line 2, insert the following:

"(19) Within available resources, the department shall design and initiate a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002."

Representatives Cody and Sehlin spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Sommers moved the adoption of amendment (616) to amendment (580):

On page 94, beginning on line 28, strike all of subsection (4)

Representatives Sommers and Sehlin spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Conway moved the adoption of amendment (605) to amendment (580):

On page 106, line 27, increase the administrative contingency account--state by \$1,600,000
Correct the total accordingly

On page 106, line 33, after "limitations:" insert "(1)"

On page 107, after line 2, insert the following:

"(2) Up to \$1,600,000 of the administrative contingency account--state appropriation is provided solely for administrative costs related to the implementation of Engrossed House Bill No. 2901 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse."

Representatives Conway and Sehlin spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Doumit moved the adoption of amendment (613) to amendment (580):

On page 133, after line 37, insert the following:

"(22) Within the amounts appropriated in this section, the department shall update the Washington State university asset diversification plan to diversify at least ten percent of the commercial forest land base within ten years and report recommendations for implementing the plan to the appropriate committees of the legislature by December 1, 2002."

Representatives Doumit spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Kenney moved the adoption of amendment (615) to amendment (580):

On page 212, beginning on line 38, strike everything after "size," through "size," on page 213, line 2.

Representatives Kenney and Cox spoke in favor of the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

Representative Romero moved the adoption of amendment (617) to amendment (580):

On page 227, line 14, strike "**RECRUITMENT AND RETENTION POOL**" and insert "**STATE EMPLOYEE HEALTH BENEFITS**"

On page 227, beginning on line 21, after "is" strike all material through "RCW 41.06.152." and insert: "provided solely for state employee health benefits."

Representatives Romero and Hunt spoke in favor of the adoption of the amendment to the amendment.

Representative Alexander spoke against the adoption of the amendment to the amendment.

The amendment to the amendment was adopted.

The amendment (580) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Sommers, Doumit, McIntire and Sommers (again) spoke in favor of passage of the bill.

Representatives Sehlin, Cairnes, Schmidt, Mastin, Orcutt, Bush, Lisk, Buck, Ahern, Delvin, Benson, Clements, Ballard, Boldt, Armstrong, DeBolt, Armstrong, DeBolt, Mielke, Mulliken, Nixon, Carrell, Esser, Dunn, Jarrett, Anderson, Holmquist, Pearson, Ericksen, Roach and Van Luven spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6387, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6387, as amended by the House and the bill passed the House by the following vote: Yeas - 50, Nays - 47, Absent - 0, Excused - 1.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven and Woods - 47.

Excused: Representative Skinner - 1.

Engrossed Substitute Senate Bill No. 6387, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Sommers took a moment to thank the OPR Fiscal Staff for their hard work and dedication, and asked the Chamber to acknowledge them.

MESSAGES FROM THE SENATE

Mr. Speaker:

March 13, 2002

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 6814,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 3011,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 13, 2002

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6008,
SENATE BILL NO. 6835,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE HOUSE BILL NO. 1268,
SUBSTITUTE HOUSE BILL NO. 1759,
HOUSE BILL NO. 2421,
SUBSTITUTE HOUSE BILL NO. 2610,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707,
HOUSE BILL NO. 2732,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2866,
HOUSE BILL NO. 2907,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5236,
SUBSTITUTE SENATE BILL NO. 6351,

RESOLUTION

HOUSE RESOLUTION NO. 2002-4742, by Representative Jarrett

WHEREAS, It is the tradition of the Washington State House of Representatives to recognize outstanding achievement in athletic excellence; and

WHEREAS, The Whitman College Missionaries Swim Team achieved incredible achievements at the Northwest Conference Swim Championships held at Whitworth College, Spokane, Washington on Sunday, February 17, 2002; and

WHEREAS, Whitman College Missionaries Swim Team members, Aric Jarrett and younger brother Keith Jarrett, along with Art Riddle and Garth Brand, swam a season-best to place 6th in the men's 400-yard freestyle relay; Keith Jarrett swam a 50.72 to place 12th in the 100-yard freestyle, and Aric Jarrett swam a 51.26 to place 15th with both times season-best marks for each; Audrey Gardiner placed 7th in the women's 200-yard butterfly; Lindsay Brady placed 8th in the women's 1,650-yard freestyle, cutting her lifetime-best time by more than 18 seconds; Ben Miller placed 10th in the men's long-distance freestyle, Whitman's best time by any swimmer this season for the 1,650-yard freestyle; Ben Miller also placed 10th in the finals of the men's 200-yard backstroke,

leapfrogging over two teammates to do so in a season-best, followed by Art Riddle, 11th place and Garth Brand, 12th place; Owen Unbehaun placed 8th in the men's 200-yard breaststroke placing himself on Whitman's all-time list for that event; Alexis Jinbo-Doran placed 8th in the women's 200-yard breaststroke; Katherine Oglietti was close behind, placing 10th in the women's 200-yard breaststroke, her season-best; Zach Seeley placed 10th in the 200-yard breaststroke; Stefanie Bergh place 11th and Ellen Klobucher, who cut her season-best time, placed 16th in the women's 1,650-yard freestyle; Sonja Lapinski finished 15th in the 100-yard freestyle, trimming her season-best time to 59.17; Stefanie Bergh placed 16th and Kristyn Vytlacil placed 18th in the 200-yard breaststroke; Kristyn Vytlacil, Sonja Lapinski, and Alexis Jinbo-Doran teamed with Katherine Oglietti to place 6th in the women's 400-yard freestyle relay in a season-best; and

WHEREAS, Whitman College Missionaries Swim Team members Keith and Aric Jarrett were named Most Valuable Players (MVP) for 2001-2002; and

WHEREAS, Whitman College Missionaries Swim Team 2nd year coach, Jennifer Blomme, has done a phenomenal job shaping a very small program of men and women swim teams budding with young talent; and

WHEREAS, The Whitman College Missionaries Swim Team had a tremendous weekend of improved times, great team camaraderie, and fast swimming, and the support of families, friends, students, and alumni that was wonderful;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives applaud the hard work, commitment, dedication, teamwork, and athletic excellence of the Whitman College Missionaries Swim Team; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Whitman College President, Thomas E. Cronin, and to Missionaries Swim Team Coach, Jennifer Blomme.

House Resolution No. 4742 was adopted.

INTRODUCTION & FIRST READING

ESSB 6008 by Senate Committee on Ways & Means (originally sponsored by Senators Eide, Finkbeiner, Haugen, Kline, Winsley and McAuliffe; by request of Office of Financial Management)

AN ACT Relating to commute trip reduction incentives; adding a new section to chapter 70.94 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 82.04.4453, 82.04.4454, 82.16.048, and 82.16.049; prescribing penalties; providing an effective date; and providing expiration dates.

SB 6835 by Senator Poulsen

AN ACT Relating to use taxation; amending RCW 82.04.060, 82.12.010, 82.12.020, 82.12.035, and 82.14.020; reenacting and amending RCW 82.04.190; providing an effective date; and declaring an emergency.

There being no objection, Engrossed Substitute Senate Bill No. 6008 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, Senate Bill No. 6835 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of House Concurrent Resolution No. 4411, and the concurrent resolution was placed on the second reading calendar.

There being no objection, the Rules Committee was relieved of further consideration on Senate Bill No. 5965, and the bill was placed on the second reading calendar

There being no objection, the Committee on Appropriations was relieved of further consideration on Substitute House Bill No. 1646, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., March 14, 2002, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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JOURNAL OF THE HOUSE

FIFTY NINTH DAY, MARCH 13, 2002

NOTICE: **Formatting and page numbering in this document may be different from that in the original published version.**

FIFTY SEVENTH LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 14, 2002

The House was called to order at 9:00 a.m. by The Speaker (Representative Ogden presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Neecia Shaw and Nicholas Flem. Prayer was offered by Reverend Dean Koyama, Tacoma Buddhist Temple.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 13, 2002

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5082,
SUBSTITUTE SENATE BILL NO. 6814,
SUBSTITUTE SENATE BILL NO. 6823,
SENATE BILL NO. 6828,
SENATE BILL NO. 6832,
SUBSTITUTE SENATE BILL NO. 6833,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1079,
SUBSTITUTE HOUSE BILL NO. 1268,
SUBSTITUTE HOUSE BILL NO. 1759,
SUBSTITUTE HOUSE BILL NO. 2060,
SUBSTITUTE HOUSE BILL NO. 2309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2325,
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ENGROSSED SUBSTITUTE HOUSE BILL NO. 2866,
SUBSTITUTE HOUSE BILL NO. 2874,
HOUSE BILL NO. 2907,
ENGROSSED HOUSE BILL NO. 2918,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

THIRD SUBSTITUTE SENATE BILL NO. 5514,
SENATE BILL NO. 6591,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1166,
SUBSTITUTE HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1189,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1411,
SUBSTITUTE HOUSE BILL NO. 1521,
HOUSE BILL NO. 1856,
SECOND SUBSTITUTE HOUSE BILL NO. 1938,
SUBSTITUTE HOUSE BILL NO. 2160,
SUBSTITUTE HOUSE BILL NO. 2169,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305,
SECOND SUBSTITUTE HOUSE BILL NO. 2346,
SUBSTITUTE HOUSE BILL NO. 2357,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2453,
HOUSE BILL NO. 2496,
ENGROSSED HOUSE BILL NO. 2498,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2505,
SUBSTITUTE HOUSE BILL NO. 2568,
SUBSTITUTE HOUSE BILL NO. 2589,
ENGROSSED HOUSE BILL NO. 2623,
HOUSE BILL NO. 2657,
SECOND SUBSTITUTE HOUSE BILL NO. 2663,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,
SUBSTITUTE HOUSE BILL NO. 2699,
ENGROSSED HOUSE BILL NO. 2748,
SUBSTITUTE HOUSE BILL NO. 2767,
ENGROSSED HOUSE BILL NO. 2841,

and the same are herewith transmitted.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2338, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to increase the use of effective substance abuse treatment for defendants and offenders in Washington in order to make frugal use of state and local resources, thus reducing recidivism and increasing the likelihood that defendants and offenders will become productive and law-abiding persons. The legislature recognizes that substance abuse treatment can be effective if it is well planned and involves adequate monitoring, and that substance abuse and addiction is a public safety and public health issue that must be more effectively addressed if recidivism is to be reduced. The legislature intends that sentences for drug offenses accurately reflect the adverse impact of substance abuse and addiction on public safety, that the public must have protection from violent offenders, and further intends that such sentences be based on policies that are supported by research and public policy goals established by the legislature.

Sec. 2. RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
 - Malicious explosion 1 (RCW 70.74.280(1))
 - Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- XIII Malicious explosion 2 (RCW 70.74.280(2))
 - Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
 - Assault of a Child 1 (RCW 9A.36.120)
 - Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
 - Rape 1 (RCW 9A.44.040)
 - Rape of a Child 1 (RCW 9A.44.073)
- XI Manslaughter 1 (RCW 9A.32.060)
 - Rape 2 (RCW 9A.44.050)
 - Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
 - Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))

Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
Manufacture of methamphetamine (RCW
69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a
narcotic from Schedule I or II, or flunitrazepam from
Schedule IV to someone under 18 (RCW 69.50.406)
Sexually Violent Predator Escape (RCW 9A.76.115)

IX Assault of a Child 2 (RCW 9A.36.130)

Controlled Substance Homicide (RCW 69.50.415)
Explosive devices prohibited (RCW 70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the influence
of intoxicating liquor or any drug (RCW 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW
70.74.270(2))
Over 18 and deliver narcotic from Schedule III, IV, or
V or a nonnarcotic, except flunitrazepam or
methamphetamine, from Schedule I-V to someone
under 18 and 3 years junior (RCW 69.50.406)
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of
intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

Deliver or possess with intent to deliver
methamphetamine (RCW 69.50.401(a)(1)(ii))
Homicide by Watercraft, by the operation of any vessel
in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
Manufacture, deliver, or possess with intent to deliver
amphetamine (RCW 69.50.401(a)(1)(ii))
Manufacture, deliver, or possess with intent to deliver
heroin or cocaine (when the offender has a criminal
history in this state or any other state that includes a
sex offense or serious violent offense or the
Washington equivalent) (RCW 69.50.401(a)(1)(i))
Possession of Ephedrine, Pseudoephedrine, or
Anhydrous Ammonia with intent to manufacture
methamphetamine (RCW 69.50.440)
Promoting Prostitution 1 (RCW 9A.88.070)
Selling for profit (controlled or counterfeit) any
controlled substance (RCW 69.50.410)
Theft of Anhydrous Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation of any vehicle in
a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)

Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
Involving a minor in drug dealing (RCW 69.50.401(f))
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Manufacture, deliver, or possess with intent to deliver heroin or cocaine (except when the offender has a criminal history in this state or any other state that includes a sex offense or serious violent offense or the Washington equivalent) (RCW 69.50.401(a)(1)(i))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))

Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)
Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

- III Abandonment of dependent person 2 (RCW 9A.42.070)
 - Assault 3 (RCW 9A.36.031)
 - Assault of a Child 3 (RCW 9A.36.140)
 - Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 - Burglary 2 (RCW 9A.52.030)
 - Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 - Criminal Gang Intimidation (RCW 9A.46.120)
 - Criminal Mistreatment 2 (RCW 9A.42.030)
 - Custodial Assault (RCW 9A.36.100)
 - Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))
 - Escape 2 (RCW 9A.76.120)
 - Extortion 2 (RCW 9A.56.130)
 - Harassment (RCW 9A.46.020)
 - Intimidating a Public Servant (RCW 9A.76.180)
 - Introducing Contraband 2 (RCW 9A.76.150)
 - Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))
 - Malicious Injury to Railroad Property (RCW 81.60.070)
 - Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
 - Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))
 - Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 - Perjury 2 (RCW 9A.72.030)
 - Possession of Incendiary Device (RCW 9.40.120)
 - Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 - Promoting Prostitution 2 (RCW 9A.88.080)
 - Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 - Securities Act violation (RCW 21.20.400)
 - Tampering with a Witness (RCW 9A.72.120)
 - Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
 - Theft of Livestock 2 (RCW 9A.56.080)
 - Unlawful Imprisonment (RCW 9A.40.040)
 - Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))
 - Unlawful Use of Building for Drug Purposes (RCW 69.53.010)
 - Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
 - Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
 - Counterfeiting (RCW 9.16.035(3))

Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
Escape from Community Custody (RCW 72.09.310)
Health Care False Claims (RCW 48.80.030)
Identity Theft 2 (RCW 9.35.020(2)(b))
Improperly Obtaining Financial Information (RCW 9.35.010)
Malicious Mischief 1 (RCW 9A.48.070)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))
Possession of phencyclidine (PCP) (RCW 69.50.401(d))
Possession of Stolen Property 1 (RCW 9A.56.150)
Theft 1 (RCW 9A.56.030)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))
Trafficking in Insurance Claims (RCW 48.30A.015)
Unlawful Practice of Law (RCW 2.48.180)
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
False Verification for Welfare (RCW 74.08.055)
Forged Prescription (RCW 69.41.020)
Forged Prescription for a Controlled Substance (RCW 69.50.403)
Forgery (RCW 9A.60.020)
Malicious Mischief 2 (RCW 9A.48.080)
Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))
Possession of Stolen Property 2 (RCW 9A.56.160)
Reckless Burning 1 (RCW 9A.48.040)
Taking Motor Vehicle Without Permission (RCW 9A.56.070)
Theft 2 (RCW 9A.56.040)
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))
Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 3. RCW 9.94A.525 and 2001 c 264 s 5 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2) Class A and sex prior felony convictions shall always be included in the offender score. Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction. Class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction. This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11) or (12) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction.

(12) If the present conviction is for ~~((a drug offense))~~ manufacture of methamphetamine count three points for each adult prior ~~((felony drug offense))~~ manufacture of methamphetamine conviction and two points for each juvenile ~~((drug))~~ manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(14) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(15) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(16) If the present conviction is for a sex offense, count priors as in subsections (7) through (15) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(17) If the present conviction is for an offense committed while the offender was under community placement, add one point.

NEW SECTION. Sec. 4. A new section is added to chapter 70.96A RCW to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; and (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Savings to the state general fund resulting from implementation of this act, as calculated pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) The department of corrections, the sentencing guidelines commission, the office of financial management, and the caseload forecast council shall develop a methodology for calculating the projected biennial savings under this section. Savings shall be projected for the fiscal biennium beginning on July 1, 2003, and for each biennium thereafter. by September 1, 2002, the proposed methodology shall be submitted to the governor and the appropriate committees of the legislature. The methodology is deemed approved unless the legislature enacts legislation to modify or reject the methodology.

(b) When the department of corrections submits its biennial budget request to the governor in 2002 and in each even-numbered year thereafter, the department of corrections shall use the methodology approved in (a) of this subsection to calculate savings to the state general fund for the ensuing fiscal biennium resulting from reductions in drug offender sentencing as a result of sections 2 and 3, chapter . . ., Laws of 2002 (sections 2 and 3 this act) and sections 7, 8, and 9, chapter . . ., Laws of 2002 (sections 7, 8, and 9 this act). The department shall report the dollar amount of the savings to the state treasurer, the office of financial management, and the fiscal committees of the legislature.

(c) For the fiscal biennium beginning July 1, 2003, and each fiscal biennium thereafter, the state treasurer shall transfer seventy-five percent of the amount reported in (b) of this subsection from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. However, the amount transferred to the criminal justice treatment account shall not exceed the limit of eight million two hundred fifty thousand dollars per fiscal year. After the first fiscal year in which the amount to be transferred equals or exceeds eight million two hundred fifty thousand dollars, this limit shall be increased on an annual basis by the implicit price deflator as published by the federal bureau of labor statistics.

(d) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer twenty-five percent of the amount reported in (b) of this subsection from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)(d) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility receiving a reduced sentence as a result of implementation of this act and who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction. Any excess funds remaining after providing drug and alcohol treatment services to offenders receiving a reduced sentence as a result of implementation of this act may be expended to provide treatment for offenders confined in a state correctional facility and who are assessed with an addiction or a substance abuse problem that contributed to the crime.

(e) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (c) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(e) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(e) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair

and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090 and treatment support services. No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

NEW SECTION. Sec. 5. A new section is added to chapter 43.135 RCW to read as follows: RCW 43.135.035(4) does not apply to the transfers established in section 4 of this act.

NEW SECTION. Sec. 6. A new section is added to chapter 43.20A RCW to read as follows: The department of social and health services shall annually review and monitor the expenditures made by any county or group of counties which is funded, in whole or in part, with funds provided by this act. Counties shall repay any funds that are not spent in accordance with the requirements of this act.

Sec. 7. RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XVI Aggravated Murder 1 (RCW 10.95.020)

XV Homicide by abuse (RCW 9A.32.055)
Malicious explosion 1 (RCW 70.74.280(1))
Murder 1 (RCW 9A.32.030)

XIV Murder 2 (RCW 9A.32.050)

XIII Malicious explosion 2 (RCW 70.74.280(2))

Malicious placement of an explosive 1 (RCW 70.74.270(1))

XII Assault 1 (RCW 9A.36.011)

Assault of a Child 1 (RCW 9A.36.120)
Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
Rape 1 (RCW 9A.44.040)
Rape of a Child 1 (RCW 9A.44.073)

XI Manslaughter 1 (RCW 9A.32.060)

Rape 2 (RCW 9A.44.050)
Rape of a Child 2 (RCW 9A.44.076)

X Child Molestation 1 (RCW 9A.44.083)

Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
Kidnapping 1 (RCW 9A.40.020)
Leading Organized Crime (RCW 9A.82.060(1)(a))
Malicious explosion 3 (RCW 70.74.280(3))
~~((Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)))~~
Sexually Violent Predator Escape (RCW 9A.76.115)

IX Assault of a Child 2 (RCW 9A.36.130)

~~((Controlled Substance Homicide (RCW 69.50.415)))~~
Explosive devices prohibited (RCW 70.74.180)
Hit and Run--Death (RCW 46.52.020(4)(a))
Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
Malicious placement of an explosive 2 (RCW 70.74.270(2))
~~((Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)))~~
Robbery 1 (RCW 9A.56.200)
Sexual Exploitation (RCW 9.68A.040)
Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)

VIII Arson 1 (RCW 9A.48.020)

~~((Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii)))~~
Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
Manslaughter 2 (RCW 9A.32.070)
~~((Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))~~

~~Manufacture, deliver, or possess with intent to deliver heroin or cocaine (RCW 69.50.401(a)(1)(i))~~
~~Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440))~~
Promoting Prostitution 1 (RCW 9A.88.070)
~~((Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410))~~
Theft of Anhydrous Ammonia (RCW 69.55.010)
Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

VII Burglary 1 (RCW 9A.52.020)

Child Molestation 2 (RCW 9A.44.086)
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Drive-by Shooting (RCW 9A.36.045)
Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
Introducing Contraband 1 (RCW 9A.76.140)
~~((Involving a minor in drug dealing (RCW 69.50.401(f)))~~
Malicious placement of an explosive 3 (RCW 70.74.270(3))
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1)(a))
Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)

VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))

Bribery (RCW 9A.68.010)
Incest 1 (RCW 9A.64.020(1))
Intimidating a Judge (RCW 9A.72.160)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
~~((Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II (except heroin or cocaine) or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i)))~~
Rape of a Child 3 (RCW 9A.44.079)
Theft of a Firearm (RCW 9A.56.300)
Unlawful Storage of Anhydrous Ammonia (RCW 69.55.020)

V Abandonment of dependent person 1 (RCW 9A.42.060)

Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
Child Molestation 3 (RCW 9A.44.089)
Criminal Mistreatment 1 (RCW 9A.42.020)
Custodial Sexual Misconduct 1 (RCW 9A.44.160)
~~((Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))))~~
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
Extortion 1 (RCW 9A.56.120)
Extortionate Extension of Credit (RCW 9A.82.020)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
Incest 2 (RCW 9A.64.020(2))
Kidnapping 2 (RCW 9A.40.030)
Perjury 1 (RCW 9A.72.020)
Persistent prison misbehavior (RCW 9.94.070)
Possession of a Stolen Firearm (RCW 9A.56.310)
Rape 3 (RCW 9A.44.060)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
Sexually Violating Human Remains (RCW 9A.44.105)
Stalking (RCW 9A.46.110)

IV Arson 2 (RCW 9A.48.030)

Assault 2 (RCW 9A.36.021)
Assault by Watercraft (RCW 79A.60.060)
Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Commercial Bribery (RCW 9A.68.060)
Counterfeiting (RCW 9.16.035(4))
Escape 1 (RCW 9A.76.110)
Hit and Run--Injury (RCW 46.52.020(4)(b))
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Identity Theft 1 (RCW 9.35.020(2)(a))
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
Malicious Harassment (RCW 9A.36.080)
~~((Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))))~~
Residential Burglary (RCW 9A.52.025)
Robbery 2 (RCW 9A.56.210)

Theft of Livestock 1 (RCW 9A.56.080)
Threats to Bomb (RCW 9.61.160)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Willful Failure to Return from Furlough (RCW 72.66.060)

III Abandonment of dependent person 2 (RCW 9A.42.070)
Assault 3 (RCW 9A.36.031)
Assault of a Child 3 (RCW 9A.36.140)
Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Burglary 2 (RCW 9A.52.030)
Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Criminal Gang Intimidation (RCW 9A.46.120)
Criminal Mistreatment 2 (RCW 9A.42.030)
Custodial Assault (RCW 9A.36.100)
~~((Delivery of a material in lieu of a controlled substance (RCW 69.50.401(e))))~~
Escape 2 (RCW 9A.76.120)
Extortion 2 (RCW 9A.56.130)
Harassment (RCW 9A.46.020)
Intimidating a Public Servant (RCW 9A.76.180)
Introducing Contraband 2 (RCW 9A.76.150)
~~((Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))))~~
Malicious Injury to Railroad Property (RCW 81.60.070)
~~((Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))
Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))))~~
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
Perjury 2 (RCW 9A.72.030)
Possession of Incendiary Device (RCW 9.40.120)
Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Promoting Prostitution 2 (RCW 9A.88.080)
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Securities Act violation (RCW 21.20.400)
Tampering with a Witness (RCW 9A.72.120)
Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230)
Theft of Livestock 2 (RCW 9A.56.080)
Unlawful Imprisonment (RCW 9A.40.040)
Unlawful possession of firearm in the second degree (RCW 9.41.040(1)(b))

~~((Unlawful Use of Building for Drug Purposes (RCW 69.53.010)))~~

Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)

Willful Failure to Return from Work Release (RCW 72.65.070)

II Computer Trespass 1 (RCW 9A.52.110)

Counterfeiting (RCW 9.16.035(3))

~~((Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))))~~

Escape from Community Custody (RCW 72.09.310)

Health Care False Claims (RCW 48.80.030)

Identity Theft 2 (RCW 9.35.020(2)(b))

Improperly Obtaining Financial Information (RCW 9.35.010)

Malicious Mischief 1 (RCW 9A.48.070)

~~((Possession of controlled substance that is either heroin or narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(d))~~

~~Possession of phencyclidine (PCP) (RCW 69.50.401(d))))~~

Possession of Stolen Property 1 (RCW 9A.56.150)

Theft 1 (RCW 9A.56.030)

Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(4))

Trafficking in Insurance Claims (RCW 48.30A.015)

Unlawful Practice of Law (RCW 2.48.180)

Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))

I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)

False Verification for Welfare (RCW 74.08.055)

~~((Forged Prescription (RCW 69.41.020)~~

~~Forged Prescription for a Controlled Substance (RCW 69.50.403)))~~

Forgery (RCW 9A.60.020)

Malicious Mischief 2 (RCW 9A.48.080)

~~((Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (except phencyclidine or flunitrazepam) (RCW 69.50.401(d))))~~

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission (RCW 9A.56.070)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Use of Food Stamps (RCW 9.91.140 (2) and (3))
Vehicle Prowl 1 (RCW 9A.52.095)

NEW SECTION. **Sec. 8.** A new section is added to chapter 9.94A RCW to read as follows:

(1) TABLE 3

DRUG OFFENSE SENTENCING GRID

Seriousness Offender Score Offender Score Offender Score
Level 0 to 2 3 to 5 6 to 9 or more

III 51 to 68 months 68+ to 100 months 100+ to 120 months

II 12+ to 20 months 20+ to 60 months 60+ to 120 months

I 0 to 6 months 6+ to 18 months 12+ to 24 months

References to months represent the standard sentence ranges. 12+ equals one year and one day.

(2) The court may utilize any other sanctions or alternatives as authorized by law, including but not limited to the special drug offender sentencing alternative under RCW 9.94A.660 or drug court under RCW 2.28.170.

(3) Nothing in this section creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

NEW SECTION. **Sec. 9.** A new section is added to chapter 9.94A RCW to read as follows:

TABLE 4

DRUG OFFENSES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

III Any felony offense under chapter 69.50 RCW with a deadly weapon special verdict under RCW 9.94A.602
Controlled Substance Homicide (RCW 69.50.415)
Delivery of imitation controlled substance by person eighteen or over to person under eighteen (RCW 69.52.030(2))
Involving a minor in drug dealing (RCW 69.50.401(f))
Manufacture of methamphetamine (RCW 69.50.401(a)(1)(ii))
Over 18 and deliver heroin, methamphetamine, a narcotic from Schedule I or II, or flunitrazepam from Schedule IV to someone under 18 (RCW 69.50.406)
Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic, except flunitrazepam or methamphetamine, from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)

Possession of Ephedrine, Pseudoephedrine, or Anhydrous Ammonia with intent to manufacture methamphetamine (RCW 69.50.440)
Selling for profit (controlled or counterfeit) any controlled substance (RCW 69.50.410)

II Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))

Deliver or possess with intent to deliver methamphetamine (RCW 69.50.401(a)(1)(ii))

Delivery of a material in lieu of a controlled substance (RCW 69.50.401(c))

Maintaining a Dwelling or Place for Controlled Substances (RCW 69.50.402(a)(6))

Manufacture, deliver, or possess with intent to deliver amphetamine (RCW 69.50.401(a)(1)(ii))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule I or II or flunitrazepam from Schedule IV (RCW 69.50.401(a)(1)(i))

Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana, amphetamine, methamphetamines, or flunitrazepam) (RCW 69.50.401(a)(1) (iii) through (v))

Manufacture, distribute, or possess with intent to distribute an imitation controlled substance (RCW 69.52.030(1))

I Forged Prescription (RCW 69.41.020)

Forged Prescription for a Controlled Substance (RCW 69.50.403)

Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(iii))

Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))

Unlawful Use of Building for Drug Purposes (RCW 69.53.010)

Sec. 10. RCW 9.94A.510 and 2000 c 132 s 2 and 2000 c 28 s 11 are each reenacted and amended to read as follows:

((4)) TABLE 1

Sentencing Grid

SERIOUSNESS
LEVEL OFFENDER SCORE

0 1 2 3 4 5 6 7 8 more

9 or

XVI Life Sentence without Parole/Death Penalty

XV 23y4m 24y4m 25y4m 26y4m 27y4m 28y4m 30y4m 32y10m 36y 40y
240- 250- 261- 271- 281- 291- 312- 338- 370- 411-
320 333 347 361 374 388 416 450 493 548

XIV 14y4m 15y4m 16y2m 17y 17y11m 18y9m 20y5m 22y2m 25y7m 29y
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
220 234 244 254 265 275 295 316 357 397

XIII 12y 13y 14y 15y 16y 17y 19y 21y 25y 29y
123- 134- 144- 154- 165- 175- 195- 216- 257- 298-
164 178 192 205 219 233 260 288 342 397

XII 9y 9y11m 10y9m 11y8m 12y6m 13y5m 15y9m 17y3m 20y3m 23y3m
93- 102- 111- 120- 129- 138- 162- 178- 209- 240-
123 136 147 160 171 184 216 236 277 318

XI 7y6m 8y4m 9y2m 9y11m 10y9m 11y7m 14y2m 15y5m 17y11m 20y5m
78- 86- 95- 102- 111- 120- 146- 159- 185- 210-
102 114 125 136 147 158 194 211 245 280

X 5y 5y6m 6y 6y6m 7y 7y6m 9y6m 10y6m 12y6m 14y6m
51- 57- 62- 67- 72- 77- 98- 108- 129- 149-
68 75 82 89 96 102 130 144 171 198

IX 3y 3y6m 4y 4y6m 5y 5y6m 7y6m 8y6m 10y6m 12y6m
31- 36- 41- 46- 51- 57- 77- 87- 108- 129-
41 48 54 61 68 75 102 116 144 171

VIII 2y 2y6m 3y 3y6m 4y 4y6m 6y6m 7y6m 8y6m 10y6m
21- 26- 31- 36- 41- 46- 67- 77- 87- 108-
27 34 41 48 54 61 89 102 116 144

VII 18m 2y 2y6m 3y 3y6m 4y 5y6m 6y6m 7y6m 8y6m
15- 21- 26- 31- 36- 41- 57- 67- 77- 87-
20 27 34 41 48 54 75 89 102 116

VI 13m 18m 2y 2y6m 3y 3y6m 4y6m 5y6m 6y6m 7y6m
12+ - 15- 21- 26- 31- 36- 46- 57- 67- 77-
14 20 27 34 41 48 61 75 89 102

V 9m 13m 15m 18m 2y2m 3y2m 4y 5y 6y 7y
6- 12+ - 13- 15- 22- 33- 41- 51- 62- 72-
12 14 17 20 29 43 54 68 82 96

IV 6m 9m 13m 15m 18m 2y2m 3y2m 4y2m 5y2m 6y2m
3- 6- 12+ - 13- 15- 22- 33- 43- 53- 63-
9 12 14 17 20 29 43 57 70 84

III 2m 5m 8m 11m 14m 20m 2y2m 3y2m 4y2m 5y
1- 3- 4- 9- 12+ - 17- 22- 33- 43- 51-
3 8 12 12 16 22 29 43 57 68

II 4m 6m 8m 13m 16m 20m 2y2m 3y2m 4y2m
0-90 2- 3- 4- 12+ - 14- 17- 22- 33- 43-
Days 6 9 12 14 18 22 29 43 57

I 3m 4m 5m 8m 13m 16m 20m 2y2m
0-60 0-90 2- 2- 3- 4- 12+ - 14- 17- 22-
Days Days 5 6 8 12 14 18 22 29

Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent standard sentence ranges in months, or in days if so designated. 12+ equals one year and one day.

~~((2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.~~

~~(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:~~

~~(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.~~

~~(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection.~~

~~(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection.~~

~~(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed.~~

~~(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4).~~

~~(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.~~

~~(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.~~

~~(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:~~

~~(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection.~~

~~(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection.~~

~~(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection.~~

~~(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed.~~

~~(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4).~~

~~(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony.~~

~~(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.~~

~~(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:~~

~~(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;~~

~~(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);~~

~~(c) Twelve months for offenses committed under RCW 69.50.401(d).~~

~~For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.~~

~~(6) An additional twenty four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605.~~

~~(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.)~~

NEW SECTION. Sec. 11. A new section is added to chapter 9.94A RCW to read as follows:

(1) The provisions of this section apply to the standard sentence ranges determined by RCW 9.94A.510 or section 8 of this act.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the standard sentence range is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by seventy-five percent.

(3) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any firearm enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the firearm enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a firearm enhancement. If the offender or an accomplice was armed with a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any firearm enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Five years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) Three years for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Eighteen months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced for any firearm enhancements under (a), (b), and/or (c) of this subsection and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (4)(a), (b), and/or (c) of this section, or both, all firearm enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all firearm enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The firearm enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(4) The following additional times shall be added to the standard sentence range for felony crimes committed after July 23, 1995, if the offender or an accomplice was armed with a deadly

weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for one of the crimes listed in this subsection as eligible for any deadly weapon enhancements based on the classification of the completed felony crime. If the offender is being sentenced for more than one offense, the deadly weapon enhancement or enhancements must be added to the total period of confinement for all offenses, regardless of which underlying offense is subject to a deadly weapon enhancement. If the offender or an accomplice was armed with a deadly weapon other than a firearm as defined in RCW 9.41.010 and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection as eligible for any deadly weapon enhancements, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section based on the felony crime of conviction as classified under RCW 9A.28.020:

(a) Two years for any felony defined under any law as a class A felony or with a statutory maximum sentence of at least twenty years, or both, and not covered under (f) of this subsection;

(b) One year for any felony defined under any law as a class B felony or with a statutory maximum sentence of ten years, or both, and not covered under (f) of this subsection;

(c) Six months for any felony defined under any law as a class C felony or with a statutory maximum sentence of five years, or both, and not covered under (f) of this subsection;

(d) If the offender is being sentenced under (a), (b), and/or (c) of this subsection for any deadly weapon enhancements and the offender has previously been sentenced for any deadly weapon enhancements after July 23, 1995, under (a), (b), and/or (c) of this subsection or subsection (3)(a), (b), and/or (c) of this section, or both, all deadly weapon enhancements under this subsection shall be twice the amount of the enhancement listed;

(e) Notwithstanding any other provision of law, all deadly weapon enhancements under this section are mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions, including other firearm or deadly weapon enhancements, for all offenses sentenced under this chapter. However, whether or not a mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(4);

(f) The deadly weapon enhancements in this section shall apply to all felony crimes except the following: Possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first and second degree, and use of a machine gun in a felony;

(g) If the standard sentence range under this section exceeds the statutory maximum sentence for the offense, the statutory maximum sentence shall be the presumptive sentence unless the offender is a persistent offender. If the addition of a deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

(5) The following additional times shall be added to the standard sentence range if the offender or an accomplice committed the offense while in a county jail or state correctional facility and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice committed one of the crimes listed in this subsection while in a county jail or state correctional facility, and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following additional times shall be added to the standard sentence range determined under subsection (2) of this section:

(a) Eighteen months for offenses committed under RCW 69.50.401(a)(1) (i) or (ii) or 69.50.410;

(b) Fifteen months for offenses committed under RCW 69.50.401(a)(1) (iii), (iv), and (v);

(c) Twelve months for offenses committed under RCW 69.50.401(d).

For the purposes of this subsection, all of the real property of a state correctional facility or county jail shall be deemed to be part of that facility or county jail.

(6) An additional twenty-four months shall be added to the standard sentence range for any ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of RCW 69.50.435 or 9.94A.605.

(7) An additional two years shall be added to the standard sentence range for vehicular homicide committed while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502 for each prior offense as defined in RCW 46.61.5055.

NEW SECTION. **Sec. 12.** (1) A joint select committee on the drug offense sentencing grid is established.

(2) The committee shall consist of the following persons:

(a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house;

(c) A superior court judge, selected by the superior court judges' association;

(d) A prosecuting attorney, selected by the Washington association of prosecuting attorneys;

(e) A member selected by the Washington state bar association, whose practice includes a significant amount of time devoted to criminal defense work;

(f) An elected sheriff or a police chief, selected by the Washington association of sheriffs and police chiefs;

(g) A representative from the division of alcohol and substance abuse in the department of social and health services;

(h) A member of the sentencing guidelines commission;

(i) A member of the caseload forecast council;

(j) A representative from the governor's office of financial management;

(k) A representative from the department of corrections;

(l) A representative from the Washington state association of counties;

(m) A county chemical dependency treatment provider;

(n) A chemical dependency treatment provider; and

(o) A representative from the Washington state association of drug court professionals.

(3) The chair and vice-chair of the committee shall be chosen by the members of the committee.

(4) The committee shall review and make recommendations to the legislature and governor regarding the drug offense sentencing grid created pursuant to section 8 of this act. In preparing the recommendations, the committee shall:

(a) Establish a methodology of determining the fiscal consequences to the state and local governments, including the calculation of savings to be dedicated to substance abuse treatment, resulting from the implementation of the grid and any recommended revisions to the grid;

(b) Review and recommend any changes in the sentencing levels and penalties in the drug sentencing grid;

(c) Consider the proportionality of sentencing based on the quantity of controlled substances;

(d) Examine methods for addressing issues of racial disproportionality in sentencing;

(e) Recommend a statewide method of evaluating the success of drug courts in terms of reducing recidivism and increasing the number of persons who participate in drug court programs and remain free of substance abuse;

(f) Review and make any appropriate revisions in statewide criteria for funding substance abuse treatment programs for defendants and offenders; and

(g) Review and make any recommendations for changes in the method of distribution of funding methods established in this act for defendant and offender drug treatment programs.

(5) The committee shall complete its review and submit its recommendations to the legislature and governor not later than June 1, 2003.

(6) The staff of the legislature, the sentencing guidelines commission, and the caseload forecast council shall provide support to the committee.

(7) Nonlegislative members of the committee shall serve without compensation, but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120.

(8) This section expires December 31, 2003.

Sec. 13. RCW 2.28.170 and 1999 c 197 s 9 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

~~((a))~~ (i) Exhaust all federal funding received from the office of national drug control policy that is available to support the operations of its drug court and associated services; and

~~((b))~~ (ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

Sec. 14. RCW 9.94A.470 and 1995 c 129 s 4 are each amended to read as follows:

Notwithstanding the current placement or listing of crimes in categories or classifications of prosecuting standards for deciding to prosecute under RCW 9.94A.411(2), any and all felony crimes involving any deadly weapon special verdict under RCW 9.94A.602, any deadly weapon enhancements under ~~((RCW 9.94A.510))~~ section 11 (3) or (4) of this act, or both, and any and all felony crimes as defined in ~~((RCW 9.94A.510))~~ section 11 (3)(f) or (4)(f) of this act, or both, which are excluded from the deadly weapon enhancements shall all be treated as crimes against a person and subject to the prosecuting standards for deciding to prosecute under RCW 9.94A.411(2) as crimes against persons.

Sec. 15. RCW 9.94A.475 and 1997 c 338 s 48 are each amended to read as follows:

Any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes shall be made and retained as public records if the felony crime involves:

(1) Any violent offense as defined in this chapter;

(2) Any most serious offense as defined in this chapter;

(3) Any felony with a deadly weapon special verdict under RCW 9.94A.602;

(4) Any felony with any deadly weapon enhancements under ~~((RCW 9.94A.510))~~ section 11 (3) or (4) of this act, or both; and/or

(5) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

Sec. 16. RCW 9.94A.480 and 1997 c 338 s 49 are each amended to read as follows:

(1) A current, newly created or reworked judgment and sentence document for each felony sentencing shall record any and all recommended sentencing agreements or plea agreements and the sentences for any and all felony crimes kept as public records under RCW 9.94A.475 shall contain the clearly printed name and legal signature of the sentencing judge. The judgment and sentence document as defined in this section shall also provide additional space for the sentencing judge's reasons for

going either above or below the presumptive sentence range for any and all felony crimes covered as public records under RCW 9.94A.475. Both the sentencing judge and the prosecuting attorney's office shall each retain or receive a completed copy of each sentencing document as defined in this section for their own records.

(2) The sentencing guidelines commission shall be sent a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section and shall compile a yearly and cumulative judicial record of each sentencing judge in regards to his or her sentencing practices for any and all felony crimes involving:

(a) Any violent offense as defined in this chapter;

(b) Any most serious offense as defined in this chapter;

(c) Any felony with any deadly weapon special verdict under RCW 9.94A.602;

(d) Any felony with any deadly weapon enhancements under (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both; and/or

(e) The felony crimes of possession of a machine gun, possessing a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, and/or use of a machine gun in a felony.

(3) The sentencing guidelines commission shall compare each individual judge's sentencing practices to the standard or presumptive sentence range for any and all felony crimes listed in subsection (2) of this section for the appropriate offense level as defined in RCW 9.94A.515 or section 9 of this act, offender score as defined in RCW 9.94A.525, and any applicable deadly weapon enhancements as defined in (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both. These comparative records shall be retained and made available to the public for review in a current, newly created or reworked official published document by the sentencing guidelines commission.

(4) Any and all felony sentences which are either above or below the standard or presumptive sentence range in subsection (3) of this section shall also mark whether the prosecuting attorney in the case also recommended a similar sentence, if any, which was either above or below the presumptive sentence range and shall also indicate if the sentence was in conjunction with an approved alternative sentencing option including a first-time offender waiver, sex offender sentencing alternative, or other prescribed sentencing option.

(5) If any completed judgment and sentence document as defined in subsection (1) of this section is not sent to the sentencing guidelines commission as required in subsection (2) of this section, the sentencing guidelines commission shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by the sentencing guidelines commission.

Sec. 17. RCW 9.94A.505 and 2001 2nd sp.s. c 12 s 312 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510 or section 8 of this act;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

Sec. 18. RCW 9.94A.530 and 2000 c 28 s 12 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the standard sentence range (see RCW 9.94A.510, (Table 1) and section 8 of this act, (Table 3)). The additional time for deadly weapon findings or for those offenses enumerated in ~~((RCW 9.94A.510))~~ section 11(4) of this act that were committed in a state correctional facility or county jail shall be added to the entire standard sentence range. The court may impose any sentence within the range that it deems appropriate. All standard sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may rely on no more information than is admitted by the plea agreement, or admitted, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The facts shall be deemed proved at the hearing by a preponderance of the evidence. Facts that establish the elements of a more serious crime or additional crimes may not

be used to go outside the standard sentence range except upon stipulation or when specifically provided for in RCW 9.94A.535(2) (d), (e), (g), and (h).

Sec. 19. RCW 9.94A.585 and 2000 c 28 s 10 are each amended to read as follows:

(1) A sentence within the standard sentence range, under RCW 9.94A.510 or section 8 of this act, for ~~((the))~~ an offense shall not be appealed. For purposes of this section, a sentence imposed on a first-time offender under RCW 9.94A.650 shall also be deemed to be within the standard sentence range for the offense and shall not be appealed.

(2) A sentence outside the standard sentence range for the offense is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the standard sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing court are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard sentence range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing courts and others in implementing this chapter and in developing a common law of sentencing within the state.

(7) The department may petition for a review of a sentence committing an offender to the custody or jurisdiction of the department. The review shall be limited to errors of law. Such petition shall be filed with the court of appeals no later than ninety days after the department has actual knowledge of terms of the sentence. The petition shall include a certification by the department that all reasonable efforts to resolve the dispute at the superior court level have been exhausted.

Sec. 20. RCW 9.94A.660 and 2001 c 10 s 4 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under ~~((RCW 9.94A.510))~~ section 11 (3) or (4) of this act;

(b) The offender has no current or prior convictions for a sex offense or violent offense in this state, another state, or the United States;

(c) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance; and

(d) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence.

(2) If the standard sentence range is greater than one year and the sentencing court determines that the offender is eligible for this alternative and that the offender and the community will benefit from the use of the alternative, the judge may waive imposition of a sentence within the standard sentence range and impose a sentence that must include a period of total confinement in a state facility for one-half of the midpoint of the standard sentence range. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

The court shall also impose:

(a) The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(b) Crime-related prohibitions including a condition not to use illegal controlled substances;

(c) A requirement to submit to urinalysis or other testing to monitor that status; and

(d) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

The court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring. In addition, the court shall impose three or more of the following conditions:

(i) Devote time to a specific employment or training;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;

(iii) Report as directed to a community corrections officer;

(iv) Pay all court-ordered legal financial obligations;

(v) Perform community service work;

(vi) Stay out of areas designated by the sentencing court;

(vii) Such other conditions as the court may require such as affirmative conditions.

(3) If the offender violates any of the sentence conditions in subsection (2) of this section or is found by the United States attorney general to be subject to a deportation order, a violation hearing shall be held by the department unless waived by the offender.

(a) If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence.

(b) If the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

(4) The department shall determine the rules for calculating the value of a day fine based on the offender's income and reasonable obligations which the offender has for the support of the offender and any dependents. These rules shall be developed in consultation with the administrator for the courts, the office of financial management, and the commission.

(5) An offender who fails to complete the special drug offender sentencing alternative program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court and shall be subject to all rules relating to earned release time. An offender who violates any conditions of supervision as defined by the department shall be sanctioned. Sanctions may include, but are not limited to, reclassifying the offender to serve the unexpired term of his or her sentence as ordered by the sentencing court. If an offender is reclassified to serve the unexpired term of his or her sentence, the offender shall be subject to all rules relating to earned release time.

Sec. 21. RCW 9.94A.728 and 2000 c 28 s 28 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is

transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, the aggregate earned release time may not exceed fifteen percent of the sentence. In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for

that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

Sec. 22. RCW 9.94A.850 and 2000 c 28 s 41 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The office of the administrator for the courts shall provide the commission with available data on diversion and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in section 8 of this act, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

(5)(a) Not later than December 31, 1999, the commission shall propose to the legislature the initial community custody ranges to be included in sentences under RCW 9.94A.715 for crimes committed on or after July 1, 2000. Not later than December 31 of each year, the commission may propose modifications to the ranges. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.

(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.

(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.

(6) The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

Sec. 23. RCW 10.01.210 and 1995 c 129 s 18 are each amended to read as follows:

Any and all law enforcement agencies and personnel, criminal justice attorneys, sentencing judges, and state and local correctional facilities and personnel may, but are not required to, give any and all offenders either written or oral notice, or both, of the sanctions imposed and criminal justice changes regarding armed offenders, including but not limited to the subjects of:

(1) Felony crimes involving any deadly weapon special verdict under RCW 9.94A.602;

(2) Any and all deadly weapon enhancements under (~~RCW 9.94A.510~~) section 11 (3) or (4) of this act, or both, as well as any federal firearm, ammunition, or other deadly weapon enhancements;

(3) Any and all felony crimes requiring the possession, display, or use of any deadly weapon as well as the many increased penalties for these crimes including the creation of theft of a firearm and possessing a stolen firearm;

(4) New prosecuting standards established for filing charges for all crimes involving any deadly weapons;

(5) Removal of good time for any and all deadly weapon enhancements; and

(6) Providing the death penalty for those who commit first degree murder: (a) To join, maintain, or advance membership in an identifiable group; (b) as part of a drive-by shooting; or (c) to avoid prosecution as a persistent offender as defined in RCW 9.94A.030.

NEW SECTION. **Sec. 24.** The Washington state institute for public policy shall evaluate the effectiveness of the drug offense sentencing grid in reducing recidivism and its financial impact. The Washington state institute for public policy shall present a preliminary report to the legislature by December 1, 2007, and shall present a final report regarding long-term recidivism and its financial impacts to the legislature by December 1, 2008.

NEW SECTION. **Sec. 25.** A new section is added to chapter 9.94A RCW to read as follows:

The Washington state institute for public policy shall by March 1, 2003, report on the cost-effectiveness of existing drug courts in Washington and their impacts on reducing recidivism.

NEW SECTION. **Sec. 26.** Nothing in this act creates an entitlement for a criminal defendant to any specific sanction, alternative, sentence option, or substance abuse treatment.

NEW SECTION. **Sec. 27.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2002, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 28.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 29.** Sections 2 and 3 of this act take effect July 1, 2002, and apply to crimes committed on or after July 1, 2002.

NEW SECTION. **Sec. 30.** Section 2 of this act expires July 1, 2004.

NEW SECTION. **Sec. 31.** Sections 7 through 11 and 14 through 23 of this act take effect July 1, 2004, and apply to crimes committed on or after July 1, 2004.

NEW SECTION. **Sec. 32.** Sections 1, 4 through 6, 12, 13, 26, and 27 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

On page 1, line 2 of the title, after "offenses;" strike the remainder of the title and insert "amending RCW 9.94A.525, 2.28.170, 9.94A.470, 9.94A.475, 9.94A.480, 9.94A.505, 9.94A.530, 9.94A.585, 9.94A.660, 9.94A.728, 9.94A.850, and 10.01.210; reenacting and amending RCW 9.94A.515, 9.94A.515, and 9.94A.510; adding a new section to chapter 70.96A RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 9.94A RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment(s) to Second Substitute House Bill No. 2338 and advanced the bill as amended by the Senate to final passage.

Representatives Kagi, Ballasiotes and Linville spoke in favor of the passage of the bill.

Representative Ahern spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas - 71, Nays - 26, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke,

Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 71.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Cox, Crouse, DeBolt, Ericksen, Holmquist, Lisk, McMorris, Mulliken, Orcutt, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 26.

Excused: Representative Skinner - 1.

Second Substitute House Bill No. 2338, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2425, with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the community economic revitalization board plays a valuable and unique role in stimulating and diversifying local economies, attracting private investment, creating new jobs, and generating additional state and local tax revenues by investing in public facilities projects that result in new or expanded economic development. The legislature also finds that it is in the best interest of the state and local communities to secure a stable and dedicated source of funds for the community economic revitalization board. It is the intent of the legislature to establish an ongoing funding source for the community economic revitalization board that will be used exclusively to advance economic development infrastructure. This act provides a temporary funding source until such time as a more permanent funding solution can be established. These funds are not for use other than for the stated purpose and goals of the community economic revitalization board.

Sec. 2. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 43.160 RCW to read as follows:

(1) The public works assistance account shall annually transfer funds to the public facilities construction loan revolving account in amounts as follows: In fiscal year 2003, twelve percent of eighteen million eight hundred ninety thousand seven hundred seventy-five dollars, the total outstanding principal and interest associated with the loans issued by the public works board under the timber and rural natural resources programs; and in each of fiscal years 2004, 2005, 2006, and 2007, twenty-two percent of the principal and interest associated with the timber and rural natural resources programs. In no event may this transfer exceed four million five hundred thousand dollars per year.

(2) This section expires June 30, 2007.

Sec. 4. RCW 43.160.060 and 1999 c 164 s 103 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state for the purposes of assisting the political subdivisions in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility~~((f-))~~, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, at least ten percent of all financial assistance provided by the board in any biennium shall consist of grants to political subdivisions.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For the acquisition of real property, including buildings and other fixtures which are a part of real property.

(2) The board shall only provide financial assistance:

(a) For those projects which would result in specific private developments or expansions (i) in manufacturing, production, food processing, assembly, warehousing, advanced technology, research and development, and industrial distribution; (ii) for processing recyclable materials or for facilities that support recycling, including processes not currently provided in the state, including but not limited to, de-inking facilities, mixed waste paper, plastics, yard waste, and problem-waste processing; (iii) for manufacturing facilities that rely significantly on recyclable materials, including but not limited to waste tires and mixed waste paper; (iv) which support the relocation of businesses from nondistressed urban areas to rural counties or rural natural resources impact areas; or (v) which substantially support the trading of goods or services outside of the state's borders.

(b) For projects which it finds will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities.

(c) When the application includes convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made.

(3) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed and according to the unemployment rate in the area in which the jobs would be located; and

(b) The rate of return of the state's investment, that includes the expected increase in state and local tax revenues associated with the project.

(4) A responsible official of the political subdivision shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision seeking the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board."

On page 1, line 1 of the title, after "board;" strike the remainder of the title and insert "amending RCW 43.160.060; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.160 RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to House Bill No. 2425 and advanced the bill as amended by the Senate to final passage.

Representative McIntire spoke in favor of the passage of the bill.

Representative Dunn spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2425 and the bill passed the House by the following vote: Yeas - 89, Nays - 8, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Voloria, Wood, Woods, and Mr. Speaker - 89.

Voting nay: Representatives Ballard, Bush, Dunn, Mulliken, Orcutt, Schindler, Sump, and Van Luven - 8.

Excused: Representative Skinner - 1.

House Bill No. 2425, as amended by the Senate having received the constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote on final passage by which Second Substitute House Bill No. 2338 passed the House.

RECONSIDERATION

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 2338 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2338 on reconsideration, and the bill passed the House by the following vote: Yeas - 67, Nays - 30, Absent - 0, Excused - 1.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Campbell, Casada, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 67.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Ericksen, Holmquist, Lisk, Mastin, McMorris, Mielke, Mulliken, Orcutt, Roach, Schindler, Schoesler, Sehlin, Sump, and Talcott - 30.

Excused: Representative Skinner - 1.

Second Substitute House Bill No. 2338, on reconsideration, having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2901, with the following amendment(s):

On page 24, after line 33, insert the following:

"NEW SECTION. Sec. 14. (1) There is hereby created a joint task force on unemployment insurance, composed of the following members:

(a) Four members of the senate labor, commerce and financial institutions committee, two from each of the major caucuses, to be appointed by the president of the senate;

(b) Four members of the house of representatives commerce and labor committee, two from each of the major caucuses, to be appointed by the speaker of the house of representatives;

(c) At least one legislative member from each house of the legislature shall represent a district east of the Cascade mountains; and

(d) Up to eight members appointed jointly by the president of the senate and the speaker of the house of representatives, representing business and labor in equal numbers. The business representatives shall be selected from nominations submitted by statewide business organizations, representing a cross-section of industries. The labor representatives shall be selected from nominations submitted by statewide labor organizations representing a cross-section of industries. Business and labor members shall include at least one person representing each of the following industries or economic sectors: Aerospace, construction, agriculture, small business, information technology, and retail.

(2) The employment security department unemployment insurance advisory committee shall provide administrative, technical, and clerical assistance to the joint task force on unemployment insurance.

(3) The senate committee services and the office of program research shall provide the staff support as mutually agreed by the cochairs of the joint task force on unemployment insurance. The task force shall designate the cochairs.

(4) The members of the joint task force on unemployment insurance shall not be compensated but the legislative members may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The task force shall minimize travel costs, and shall meet only in Olympia or Lacey,

Washington. Other meetings and conferences that may be deemed necessary shall be held by teleconference or written submittal, which may be via e-mail.

(5) The joint task force on unemployment insurance shall appoint a technical advisory committee to assist in the development of legislative proposals and recommendations. Representatives of small business, construction industry, aerospace, information technology, agriculture, and retail shall be included on the technical advisory committee, on an ad hoc basis. Business and labor, and rural and urban interests shall all be represented.

(6) The joint task force on unemployment insurance shall study the following issues:

- (a) Tax equity proposals, including tax rates and distribution of tax effects;
- (b) Social costs;
- (c) Improvement in administrative costs and efficiencies;
- (d) Experience rating systems;
- (e) Effectiveness of the implementation of this act in achieving equity;
- (f) Trust fund adequacy, including examination of establishment of an earmarked state trust fund managed by the Washington state investment board;
- (g) The effect of this act upon business insolvency rates in Washington state;
- (h) Ways to reduce any inequitable effects of noncharged benefits caused by statutory individual benefits on the employer unemployment insurance burden. For purposes of this section, "individual benefits" means benefits paid to individuals who are considered to have left work voluntarily for good cause under RCW 50.20.050(2);
- (i) Benefit structure and costs, including the improved direction of benefits to those in need;
- (j) Analysis to improve understanding of the high rate of employer turnover in Washington state; and
- (k) Any other issues deemed appropriate by the task force.

(7) The joint task force on unemployment insurance shall report its findings and make recommendations to the legislature by December 31, 2003. In the event that the task force is divided regarding an issue that is subject to a recommendation, the task force, with the assistance of the technical advisory committee, will articulate and submit more than one proposal or option for legislative consideration."

Renumber the remaining sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed House Bill No. 2901 and advanced the bill as amended by the Senate to final passage.

Representatives Conway and Clements spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2901 and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Ballasiotes, Barlean, Berkey, Buck, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker - 64.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Bush, Carrell, Casada, Chandler, Clements, Crouse, DeBolt, Dunn, Ericksen, Esser, Holmquist, Lisk,

McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, and Woods - 33.

Excused: Representative Skinner - 1.

Engrossed House Bill No. 2901, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 11, 2002

The Senate insists on its position to SUBSTITUTE SENATE BILL NO. 6257 and asks the House to concur.

Tony M. Cook, Secretary

There being no objection, the House insisted on its position regarding on its position regarding Senate amendments to Substitute Senate Bill No. 6257 and again asked the Senate to recede therefrom.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140, by Senate Committee on Transportation (originally sponsored by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke)

Authorizing creation of regional transportation investment districts.

The bill was read the second time.

With the consent of the House, amendment (603) was withdrawn.

Representative Cooper moved the adoption of striking amendment (552):

Strike everything after the enacting clause and insert the following:

"I. CREATION OF REGIONAL TRANSPORTATION INVESTMENT DISTRICT

NEW SECTION. **Sec. 101.** FINDINGS. The legislature finds that:

(1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;

(2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on highways of statewide significance in the state's largest urbanized area;

(3) Providing a transportation system that provides efficient mobility for persons and freight requires a shared partnership and responsibility between the state, local, and regional governments and the private sector; and

(4) Timely construction and development of significant transportation improvement projects can best be achieved through enhanced funding options for governments at the county and regional levels, using already existing tax authority to address roadway and multimodal needs and new authority for regions to address critical transportation projects of statewide significance.

NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under section 103 of this act to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

NEW SECTION. Sec. 103. PLANNING COMMITTEE FORMATION. Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under section 104 of this act, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

NEW SECTION. Sec. 104. PLANNING COMMITTEE DUTIES. (1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations in which a participating county is located. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate with affected cities, towns, and other local governments that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the creation of a regional transportation investment district and recommending the construction of transportation projects to improve mobility. Operations, maintenance, and preservation of facilities or systems may not be part of the plan; and

(c) Recommend sources of revenue authorized by section 105 of this act and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(5) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(6) Once adopted, the plan must be forwarded to the participating county legislative authorities to initiate the election process under section 107 of this act. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(7) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

NEW SECTION. Sec. 105. TAXES AND FEES. (1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in section 405 of this act, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under section 408 of this act, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) An employer excise tax under RCW 81.100.030; and

(f) Vehicle tolls on new or reconstructed facilities. Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in section 107 of this act. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

NEW SECTION. Sec. 106. PERFORMANCE CRITERIA FOR REGIONAL TRANSPORTATION PROJECT SELECTION. (1) The planning committee shall consider the following criteria for selecting transportation projects to improve corridor performance:

- (a) Reduced level of congestion and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period person and vehicle trip capacity;
- (e) Reductions in person and vehicle delay;
- (f) Improved freight mobility; and
- (g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the transportation commission or its successor.

NEW SECTION. Sec. 107. SUBMISSION OF PLAN TO THE VOTERS. Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under section 104 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. County legislative authorities may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the district, and approve the taxes and fees is required for approval.

NEW SECTION. Sec. 108. CERTIFICATION OF FORMATION. If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

NEW SECTION. Sec. 109. BOARD COMPOSITION. (1) The governing board of a district consists of the members of the legislative authority of each member county, acting ex officio and independently. The secretary of transportation or the appropriate regional administrator of the department, as named by the secretary, shall also serve as a nonvoting member of the board. The governing board may elect an executive board of seven members to discharge the duties of the governing board subject to the approval of the full governing board.

(2) A sixty-percent majority of the weighted votes of the total board membership is required to submit to the counties a modified plan under section 114 of this act or any other proposal to be submitted to the voters. The counties, may, with majority vote of each county legislative authority, submit a modified plan or proposal to the voters.

NEW SECTION. Sec. 110. BOARD ORGANIZATION. The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern district affairs, which may include:

- (1) The time and place of regular meetings;
- (2) Rules for calling special meetings;
- (3) The method of keeping records of proceedings and official acts;
- (4) Procedures for the safekeeping and disbursement of funds; and
- (5) Any other provisions the board finds necessary to include.

NEW SECTION. Sec. 111. BOARD'S POWERS AND DUTIES. (1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

- (a) Impose taxes and fees authorized by district voters;
- (b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- (d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;
- (e) Pay for services and enter into leases and contracts, including professional service contracts;
- (f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and
- (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

(3) A district may not acquire, hold, or dispose of real property.

(4) A district may not own, operate, or maintain an ongoing facility, road, or transportation system.

(5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

NEW SECTION. Sec. 112. TREASURER. The regional transportation investment district, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the district. The district may designate the treasurer of a county within which the district is located to

act as its treasurer. Such a treasurer has all of the powers, responsibilities, and duties the county treasurer has related to investing surplus funds. The district shall require a bond with a surety company authorized to do business in this state in an amount and under the terms and conditions the district, by resolution, from time to time finds will protect the district against loss. The district shall pay the premium on the bond.

In addition to the account established in section 401 of this act, the treasurer may establish a special account, into which may be paid district funds. The treasurer may disburse district funds only on warrants issued by the district upon orders or vouchers approved by the district.

If the treasurer of the district is the treasurer of a county, all district funds must be deposited with a county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds must be deposited in a bank or banks authorized to do business in this state qualified for insured deposits under any federal deposit insurance act as the district, by resolution, designates.

The district may provide and require a reasonable bond of any other person handling moneys or securities of the district, but the district shall pay the premium on the bond.

NEW SECTION. Sec. 113. DEBT AND BONDING. The district may borrow money, but may not issue any debt of its own for more than two years' duration. A district may issue notes or other evidences of indebtedness with a maturity of not more than two years. A district may, when authorized by the plan, enter into agreements with the state or lead agencies to pledge taxes or other revenues of the district for the purpose of paying in part or whole principal and interest on bonds issued by the lead agency. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

NEW SECTION. Sec. 114. TRANSPORTATION PROJECT OR PLAN MODIFICATION--ACCOUNTABILITY. (1) A plan may be modified to change transportation projects or revenue sources if:

(a) Two or more participating counties adopt a resolution to modify the plan; and
(b) The counties submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, its costs, or the revenue sources. If the voters fail to approve the redefined plan, the district shall continue to work on and complete the plan, and the projects in it, that was originally approved by the voters. If the voters approve the redefined plan, the district shall work on and complete the projects under the redefined plan.

(2) If a transportation project cost exceeds its original cost by more than twenty percent as identified in the plan:

(a) The board shall, in coordination with the county legislative authorities, submit to the voters in the district a ballot measure that redefines the scope of the transportation project, its schedule, or its costs. If the voters fail to approve the redefined transportation project, the district shall terminate work on that transportation project, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds that would otherwise have been expended on the terminated transportation project must first be used to retire any outstanding debt attributable to the plan and then may be used to implement the remainder of the plan.

(b) Alternatively, upon adoption of a resolution by two or more participating counties:

(i) The counties shall submit to the voters in the district a ballot measure that redefines the scope of the plan, its transportation projects, its schedule, or its costs. If the voters fail to approve the redefined plan, the district shall terminate work on that plan, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds must be used to retire any outstanding debt attributable to the plan; or

(ii) The counties may elect to have the district continue the transportation project without submitting an additional ballot proposal to the voters.

(3) To assure accountability to the public for the timely construction of the transportation improvement project or projects within cost projections, the district shall issue a report, at least annually, to the public and copies of the report to newspapers of record in the district. In the report,

the district shall indicate the status of transportation project costs, transportation project expenditures, revenues, and construction schedules. The report may also include progress towards meeting the performance criteria provided under this chapter.

NEW SECTION. Sec. 115. STATE DEPARTMENT OF TRANSPORTATION ROLE. (1) The department shall designate an office or division of dedicated staff and services whose primary responsibility is to coordinate the design, preliminary engineering, permitting, financing, and construction of transportation projects under consideration by a regional transportation investment district planning committee or that are part of a regional transportation investment plan being implemented by a regional transportation investment district.

(2) All of the powers granted the department under Title 47 RCW relating to highway construction may, at the request of a regional transportation investment district, be used to implement a regional transportation investment plan and construct transportation projects.

NEW SECTION. Sec. 116. STATE OWNS IMPROVEMENTS TO STATE FACILITIES. Any improvement to a state facility constructed under this chapter becomes and remains the property of this state.

NEW SECTION. Sec. 117. DISSOLUTION. Within thirty days of the completion of the construction of the transportation project or series of projects forming the regional transportation investment plan, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, or tolls imposed under an approved plan terminate when the financing or debt service on the transportation project or series of transportation projects constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation project or series of transportation projects forming the regional transportation investment plan. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

NEW SECTION. Sec. 118. OTHER REGIONS. The legislature finds that regional solutions to the state's transportation needs are of paramount concern. The legislature further recognizes that different areas of the state will need the flexibility to fashion local solutions to their transportation problems, and that regional transportation systems may evolve over time. Areas of the state outside of King, Snohomish, and Pierce counties are eligible for grants from the state of no more than two hundred thousand dollars each to study and develop regional transportation models. Regions receiving these grants shall:

- (1) Develop a model that can be used within their region to select, fund, and administer regional transportation solutions;
- (2) Adopt a county resolution approving the model proposed;
- (3) Form interlocal agreements among counties as appropriate;
- (4) Report to the transportation committees in the senate and house of representatives, petitioning the legislature to grant them authority to implement their proposed model.

II. JOINT BALLOT WITH RTA

NEW SECTION. Sec. 201. JOINT BALLOT MEASURE. At the option of the planning committee, and with the explicit approval of the regional transit authority, the participating counties may choose to impose any remaining high capacity transportation taxes under chapter 81.104 RCW that have not otherwise been used by a regional transit authority and submit to the voters a common ballot measure that creates the district, approves the regional transportation investment plan, implements the taxes, and implements any remaining high capacity transportation taxes within the boundaries of the

regional transportation investment district. Collection and expenditures of any high capacity transportation taxes implemented under this section must be determined by agreement between the participating counties or district and the regional transit authority electing to submit high capacity transportation taxes to the voters under a common ballot measure as provided in this section. If the measure fails, all such unused high capacity transportation taxes revert back to and remain with the regional transit authority. A project constructed with this funding is not considered a "transportation project" under section 102 of this act.

Sec. 202. RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(a) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

(b) Special motor vehicle excise tax as provided in RCW 81.104.160; and

(c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

III. HIGHWAYS OF STATEWIDE SIGNIFICANCE

Sec. 301. RCW 47.05.021 and 1998 c 245 s 95 and 1998 c 171 s 5 are each reenacted and amended to read as follows:

LEGISLATURE MAY DESIGNATE HIGHWAYS OF STATEWIDE SIGNIFICANCE. (1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

- (h) Reasonable spacing depending upon population density; and
- (i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140(~~and~~). If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the ((1999)) legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

NEW SECTION. Sec. 302. A new section is added to chapter 47.05 RCW to read as follows:
DESIGNATION OF STATE ROUTE NUMBER 509. The legislature designates that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state highway of statewide significance.

NEW SECTION. Sec. 303. A new section is added to chapter 47.05 RCW to read as follows:
DESIGNATION OF HIGHWAYS OF REGIONAL SIGNIFICANCE. Highways of regional significance may receive funding under the conditions of section 102(8)(c) of this act. The following highways are of regional significance:

- (1) That portion of state route number 9 that runs from state route number 522 in the south to state route number 531 in the north;
- (2) That portion of state route number 524 that runs from state route number 5 easterly to state route number 522;
- (3) That portion of state route number 704 from state route number 5 to state route number 7.

NEW SECTION. Sec. 304. A new section is added to chapter 47.17 RCW to read as follows:
DESIGNATION OF CROSS BASE HIGHWAY. A state highway to be known as state route number 704 is established as follows: Beginning at a junction with state route number 5 in south Pierce county, thence easterly across Fort Lewis to a junction with state route number 7.

IV. FINANCE

NEW SECTION. Sec. 401. **REGIONAL TRANSPORTATION INVESTMENT DISTRICT ACCOUNT.** The regional transportation investment district account is created in the custody of the state treasurer. The purpose of this account is to act as an account into which may be deposited state money, if any, that may be used in conjunction with district money to fund transportation projects. Additionally, the district may deposit funds into this account for disbursement, as appropriate, on transportation projects. Nothing in this section requires any state matching money. All money deposited in the regional transportation investment district account will be used for design, right of way acquisition, capital acquisition, and construction, or for the payment of debt service associated with these activities, for regionally funded transportation projects developed under this chapter. Only the district may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

Sec. 402. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

DEPOSIT OF SURPLUS BALANCE INVESTMENT EARNINGS--TREASURY INCOME ACCOUNT--ACCOUNTS AND FUNDS CREDITED. (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state

health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 403. A new section is added to chapter 47.56 RCW to read as follows:
AUTHORIZATION FOR DISTRICT TO IMPOSE TOLLS. Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in section 105(1)(f) of this act, a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law, and the state transportation commission, or its successor, shall be the tolling authority.

Sec. 404. RCW 47.56.075 and 1984 c 7 s 252 are each amended to read as follows:
DEPARTMENT OF TRANSPORTATION AUTHORIZATION FOR DISTRICT TOLL FACILITIES. The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, city, town, or county.

NEW SECTION. Sec. 405. A new section is added to chapter 82.14 RCW to read as follows:
SALES AND USE TAX. (1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed 0.5 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be

deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

Sec. 406. RCW 82.14.050 and 1999 c 165 s 14 are each amended to read as follows:

CONTRACTS FOR COLLECTION OF SALES AND USE TAX. The counties, cities, and transportation authorities under RCW 82.14.045 (~~and~~), public facilities districts under chapters 36.100 and 35.57 RCW, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter (~~which~~) that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts monthly.

NEW SECTION. Sec. 407. A new section is added to chapter 82.32 RCW to read as follows:

TRANSFER OF SALES TAX ON TOLL PROJECTS. (1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a transportation project to be constructed under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act), must be transferred to the transportation project to defray costs or pay debt service on that transportation project. In the case of a toll project, this transfer or credit must be used to lower the overall cost of the project and thereby the corresponding tolls.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing transportation projects under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act) shall report to the department the amount of state sales or use tax covered under this section.

NEW SECTION. Sec. 408. A new section is added to chapter 82.80 RCW to read as follows:

LOCAL OPTION VEHICLE LICENSE FEE. (1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may set and impose an annual local option vehicle license fee, or a schedule of fees based upon the age of the vehicle, of up to one hundred dollars per motor vehicle registered within the boundaries of the region on every motor vehicle. As used in this section "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as

defined in RCW 46.10.010. Vehicles registered under chapter 46.87 RCW and the International Registration Plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(2) The local option vehicle license fee applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(3) A regional transportation investment district imposing the local option vehicle license fee or initiating an exemption process shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the fee.

(4) A regional transportation investment district imposing the local option fee shall delay the effective date of the local option vehicle license fee imposed by this section at least six months from the date of the final certification of the approval election to allow the department of licensing to implement the administration and collection of or exemption from the fee.

Sec. 409. RCW 81.100.010 and 1990 c 43 s 12 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE TAXES. The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high-occupancy vehicle system. RCW 81.100.030 and 81.100.060 provide taxing authority that counties or regional transportation investment districts can use in the near term to accelerate development and increase utilization of the high-occupancy vehicle system by supplementing available federal, state, and local funds.

Sec. 410. RCW 81.100.030 and 1991 c 363 s 153 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE EMPLOYER TAX.

(1) A county with a population of one million or more, or a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, and having within its boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the tax has not already been imposed by the county, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The county or investment district imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties or investment districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county or investment district shall adopt rules ~~((which))~~ that exempt from all or a portion of the tax any employer that has entered into an agreement with the county or investment district that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county or investment district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed (~~by the county~~), the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

Sec. 411. RCW 81.100.060 and 1998 c 321 s 34 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE MOTOR VEHICLE EXCISE TAX. A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than ~~((13.64 percent on the state motor vehicle excise tax paid under RCW 82.44.020(1)))~~ three-tenths of one percent of the value on vehicles registered to a person residing within the county and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to ~~((state))~~ motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed (~~by the county~~), the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

Sec. 412. RCW 82.80.030 and 1990 c 42 s 208 are each amended to read as follows:

DISTRICT AUTHORITY TO IMPOSE PARKING TAX. (1) Subject to the conditions of this section, the legislative authority of a county ~~((or))~~, city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city, or district includes only the area within its ~~((incorporated))~~ boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city ~~((or))~~, a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city ~~((or))~~, county, or district may provide that:

- (a) The tax is paid by the operator or owner of the motor vehicle;
- (b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;
- (c) The tax is collected by the operator of the facility and remitted to the city ~~((or))~~, county, or district;
- (d) The tax is a fee per vehicle or is measured by the parking charge;
- (e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
- (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county (~~(or)~~) city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

Sec. 413. RCW 82.80.070 and 1991 c 141 s 4 are each amended to read as follows:

REQUIRES THAT LOCAL OPTION TAXES IMPOSED BY DISTRICT BE USED FOR DISTRICT TRANSPORTATION PROJECTS. (1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, 82.80.020, 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the

transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

- (a) First, the project serves a multijurisdictional function;
- (b) Second, it is necessitated by existing or reasonably foreseeable congestion;
- (c) Third, it has the greatest person-carrying capacity;
- (d) Fourth, it is partially funded by other government funds, such as from the state

transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

- (e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

Sec. 414. RCW 82.80.080 and 1998 c 281 s 2 are each amended to read as follows:

LOCAL OPTION TAX REVENUE DISTRIBUTION. (1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

(2) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020 levied by qualifying cities and towns to the levying cities and towns.

(3) The state treasurer shall distribute to the district revenues, less authorized deductions, generated by the local option taxes under RCW 82.80.010 or fees under section 408 of this act levied by a district.

NEW SECTION. Sec. 415. A new section is added to chapter 82.80 RCW to read as follows:

DISTRICT DEFINED FOR LOCAL TAXES. For the purposes of this chapter, "district" means a regional transportation investment district created under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

V. OTHER PROVISIONS

NEW SECTION. Sec. 501. CAPTIONS AND SUBHEADINGS. Captions and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 502. CODIFICATION. Sections 101 through 118, 201, and 401 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 503. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. NULL AND VOID. This act is null and void if a transportation revenue act containing new or additional revenue does not become law by December 31, 2002."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 81.104.140, 47.56.075, 82.14.050, 81.100.010, 81.100.030, 81.100.060, 82.80.030, 82.80.070, and 82.80.080; reenacting and amending RCW 47.05.021 and 43.84.092; adding new sections to chapter 47.05 RCW; adding a new section to chapter 47.17 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.80 RCW; adding a new chapter to Title 36 RCW; and creating new sections."

Representative Morris moved the adoption of amendment (562) to the striking amendment (552):

On page 3, line 16 of the amendment, after "(iv)" insert "For cities or counties located wholly or partially within the boundaries of a regional transit authority formed under RCW 81.112.030, the city or county has an agreement in writing containing terms and conditions for reimbursement of costs for relocation, removal, or alteration of a utility's facilities resulting from the capital improvement or from the construction, alteration, repair, or improvement of a rail fixed guideway system as defined in RCW 81.104.015 associated with the capital improvement. For purposes of this subsection, "utility facilities" include, but are not limited to, cable television, gas, electric, and telecommunications facilities.

(v)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Morris and DeBolt spoke in favor of the adoption of the amendment.

Representatives Cooper and Esser spoke against the adoption of the amendment.

The amendment was not adopted.

Representative Lantz moved the adoption of amendment (609) to the striking amendment (552):

On page 4, line 2 of the amendment, after "committee." insert "Any portion of a county that is located on a peninsula and is connected to the other portion of the county by a bridge improved under the Public-Private Transportation Initiatives Act, chapter 47.46 RCW, in a county with a national park and a population of more than five hundred thousand persons and less than one million five hundred thousand persons may not be part of a regional transportation investment district."

Representatives Lantz, Campbell, Jackley, Bush and Talcott spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (566) to the striking amendment (552):

On page 6, after line 27 of the amendment, insert the following:

"(7) Before the county legislative authorities may initiate the election process, within thirty days of receipt of a regional transportation investment plan, cities and towns with the county may act to disapprove the plan. The plan is disapproved if:

(a) The legislative authority of fifty percent or more of the cities and towns within the county vote to reject the plan; and

(b) The cities or towns voting to reject represent a minimum of fifty percent of the population of the cities and towns within the county.

Renumber the subsection following consecutively and correct any internal references accordingly.

Representatives Simpson, Carrell and Simpson (again) spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Cooper and Jarrett spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Representative Campbell moved the adoption of amendment (590) to the striking amendment (552):

On page 8, line 23 of the amendment, after "voting" insert "within each county"

On page 8, line 25 of the amendment, after "approval." insert "The plan is effective only in each county in which it is approved by a majority of county voters. If the plan is approved by the voters in only one county, the district may consist of only one county."

Representatives Campbell, Talcott, Roach, Mielke, Carrell, Sump, Benson, Bush, Cox, Morell, Ericksen, Casada and Cairnes spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Cooper and Jarrett spoke against the adoption of the amendment to the striking amendment.

Representative Campbell demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (590) to amendment (552) to Engrossed Second Substitute Senate Bill No. 6140.

ROLL CALL

The Clerk called the roll on the adoption of amendment (590) to Engrossed Second Substitute Senate Bill No. 6140, and the amendment was not adopted by the following vote: Yeas - 41, Nays - 56, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Fisher, Holmquist, Hurst, Lantz, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Simpson, Sump, Talcott, Van Luven, and Woods - 41.

Voting nay: Representatives Ballasiotes, Barlean, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 56.

Excused: Representative Skinner - 1.

With the consent of the House, amendment (573) was withdrawn.

Representative Campbell moved the adoption of amendment (572) to the striking amendment (552) *:

On page 12, line 29 after "counties" strike ":

(i)The" and insert "the"

On page 12, line 37, after "plan" strike all material through "voters" on page 13, line 3.

Representatives Campbell and Bush spoke in favor of the adoption of the amendment to the striking amendment.

Representative Jarrett spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Representative Morell moved the adoption of amendment (619) to the striking amendment (552):

On page 19, line 18, after "OF" strike all material through "regional" on line 20 and insert "STATEWIDE SIGNIFICANCE. The legislature designates the each of the following state highways as a highway of statewide"

Representative Morell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Representative Carrell moved the adoption of amendment (589) to the striking amendment.

On page 23, line 27, after "significance." insert "If a toll is placed on any portion of a section of a state route, a toll payer shall be able to use any lane of the section of the state route funded by the toll."

Representative Carrell spoke in favor of the adoption of the amendment to the striking amendment.

Representative Cooper spoke against the adoption of the amendment to the striking amendment.

The amendment was not adopted.

Amendment (522) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Cooper, Jarrett, Ericksen, Hatfield, Murray, Armstrong and Morell spoke in favor of passage of the bill.

Representative Mielke, Campbell and Carrell spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6140, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6140, as amended by the House and the bill passed the House by the following vote: Yeas - 64, Nays - 33, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Cairnes, Casada, Chandler, Chase, Clements, Cooper, Crouse, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Jarrett, Kessler, Lisk, Lovick, Mastin, McDermott, McMorris, Miloscia, Mitchell, Morell, Mulliken, Murray, Nixon, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schual-Berke, Sehlin, Simpson, Sullivan, Sump, Upthegrove, Van Luven, Woods, and Mr. Speaker - 64.

Voting nay: Representatives Alexander, Boldt, Bush, Campbell, Carrell, Cody, Conway, Cox, Darneille, DeBolt, Delvin, Dunn, Fisher, Hurst, Jackley, Kagi, Kenney, Kirby, Lantz, Linville, Lysen, McIntire, Mielke, Morris, Orcutt, Pearson, Roach, Schoesler, Sommers, Talcott, Tokuda, Veloria, and Wood - 33.

Excused: Representative Skinner - 1.

Engrossed Second Substitute Senate Bill No. 6140, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 14, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140,
and the same is herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed

THIRD SUBSTITUTE SENATE BILL NO. 5514,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,
SENATE BILL NO. 6591,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SECOND READING

SENATE BILL NO. 6818, by Senators Fairley and Zarelli

Concerning the issuance of state general obligation bonds.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was before the House for purpose of amendments. (For committee amendment, see Journal, 57th Day, March 11, 2002.)

Representative Murray moved the adoption of amendment (559) to the committee amendment:

On page 1 of the amendment, line 10, strike "fifty-one million five hundred thousand dollars" and insert "eighty-nine million seven hundred thousand dollars"

On page 1 of the amendment, line 18, after "with" strike "fifty million dollars" and insert "eighty-seven million five hundred thousand dollars"

Representative Murray spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

With the consent of the House, amendment (622) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representatives Murray, McIntire, Grant, Ogden, Dunshee, Hunt, Kessler and Murray (again) spoke in favor of passage of the bill.

Representatives Alexander, DeBolt, Armstrong, Woods, Mielke, Sehlin, Schoesler, Buck, Cairnes and Bush spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6818, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6818, as amended by the House and the bill passed the House by the following vote: Yeas - 63, Nays - 35, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Benson, Berkey, Boldt, Chase, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi,

Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Mielke, Miloscia, Morris, Murray, O'Brien, Ogden, Orcutt, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 63.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Cox, Crouse, DeBolt, Esser, Holmquist, Lisk, Mastin, McMorris, Mitchell, Morell, Mulliken, Nixon, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, Van Luven, and Woods - 35.

Senate Bill No. 6818, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6396, by Senators Fairley and Zarelli; by request of Governor Locke

Adopting a supplemental capital budget.

The bill was read the second time.

There being no objection, the committee recommendation was not adopted.

Representative Murray moved the adoption of striking amendment (558):

Strike everything after the enacting clause and insert the following:

"PART 1
SUPPLEMENTAL CAPITAL BUDGET

NEW SECTION. **Sec. 101.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts herein specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, out of the several funds specified in this act.

Sec. 102. 2001 2nd sp.s. c 8 s 111 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Services Facilities Program (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

Projects Recommendation

YMCA of Grays Harbor, Aberdeen \$300,000
Community Youth Services, Olympia \$300,000
Skagit County Community Action, Concrete \$300,000
Kinderling Center, Bellevue \$300,000
Bellevue Family YMCA, Bellevue \$300,000
Refugee Women's Alliance, Seattle \$300,000
YWCA of Walla Walla, Walla Walla \$300,000
Pierce County Alliance (facility), Tacoma \$61,000
Compass Health, Everett \$300,000
Mid-City Concerns, Spokane \$28,000

Children's Home Society, Vaughn \$70,000
 Children's Home society, Spokane \$238,000
 Catholic Family/Child Services, Yakima \$152,000
 Korean Women's Association, Tacoma \$218,000
 Factory Small Biz Incubator, Tacoma \$300,000
 Lao Highland Association of King County, Seattle \$119,000
 First Place, Seattle \$300,000
 NE Washington Rural Resources, Colville \$300,000
 Filipino Community Center, Seattle \$200,000
 Filipino Community Center, Wapato \$25,000

~~((Subtotal \$4,411,000~~

~~Alternate Projects))~~

Nooksack Community Aid Society, Deming \$165,000
 Childhaven, Seattle \$149,000

~~((Subtotal \$314,000))~~

Total \$4,725,000

(2) \$200,000 of the appropriation in this section for the Filipino Community Center in Seattle shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

State Building Construction Account--State \$ ~~((4,411,000))~~

4,725,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 16,000,000

TOTAL \$ ~~((20,411,000))~~

20,725,000

Sec. 103. 2001 2nd sp.s. c 8 s 117 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$9,000,000 of the new appropriation from the state taxable building construction account is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the new appropriation from the state taxable building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation from the state taxable building construction account is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the new appropriation from the state taxable building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) Reappropriations in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--State \$ 60,000,000
Washington Housing Trust Account \$ 5,000,000
Subtotal Appropriation \$ 65,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 200,000,000
TOTAL \$ 265,000,000

Sec. 104. 2001 2nd sp.s. c 8 s 118 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Burke Museum (~~(Governance and Siting)~~) Expansion Study (00-2-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided for a study of the (~~(governance of the Burke museum and for an examination of the)~~) potential expansion of the museum facility including siting issues. The study shall be facilitated by the department in consultation with the University of Washington(~~(, the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state)~~) and other interested public agencies and community groups. The department shall provide a report to the legislature by June 30, (~~(2002)~~) 2003, outlining (~~(funding)~~) strategies for an expanded state natural history museum that recognizes (~~(the)~~) limited state resources (~~(for capital facilities programmatic enhancements, and outlines)~~) and alternative funding resources and partners.

(2) A maximum of \$150,000 from the appropriation in this section may be used for the preservation, storage, and presentation of museum collections or for matching other funding sources for the preservation, storage, and presentation of museum collections.

(3) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

University of Washington Building Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 350,000

NEW SECTION. **Sec. 105.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, & ECONOMIC DEVELOPMENT
Community Economic Revitalization (CERB)(03-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

(2) If chapter . . . (House Bill No. 2425), Laws of 2002 is not enacted by June 30, 2002, the appropriation in this section shall lapse.

Appropriation:

Public Facility Construction Loan Revolving Account--State \$ 3,656,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,656,000

Sec. 106. 2001 2nd sp.s. c 8 s 173 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--State \$ 2,000,000

Appropriation:

Thurston County Capital Facilities Account--State \$ ~~((5,850,000))~~

4,750,000

Prior Biennia (Expenditures) \$ 9,250,000

Future Biennia (Projected Costs) \$ ~~((5,310,000))~~

6,410,000

TOTAL \$ 22,410,000

NEW SECTION. **Sec. 107.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Deschutes Parkway Repair (2002-S-009)

Appropriation:

State Building Construction Account--State \$ 850,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 850,000

NEW SECTION. **Sec. 108.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus Parking (03-2-001)

The appropriation in this section is subject to the following condition and limitation: The department shall designate parking spaces on the west capitol campus, except for public parking, as leased parking per WAC 236-12-290(1)(b)(ii).

Appropriation:

State Vehicle Parking Account--State \$ 531,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 531,000

Sec. 109. 2001 2nd sp.s. c 8 s 157 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus; and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

(6) \$154,000 of the capitol historic district construction account appropriation is provided solely for the department of general administration to contract for fund-raising services for the solicitation of charitable gifts, grants, or donations specifically for the purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. By June 30, 2004, the amount provided by this subsection shall be reinvested to the capitol historic district construction account from the proceeds of the gifts, grants, and donations.

Reappropriation:

Capitol Building Construction Account--State \$ 2,000,000

Thurston County Capital Facilities Account--State \$ 2,500,000

Subtotal Reappropriation \$ 4,500,000

Appropriation:

Capitol Historic District Construction Account--State \$ 81,681,000

Thurston County Capital Facilities Account--State \$ 1,300,000

Subtotal Appropriation \$ 82,981,000

Prior Biennia (Expenditures) \$ 1,000,000
Future Biennia (Projected Costs) \$ 2,300,000
TOTAL \$ 90,781,000

Sec. 110. 2001 2nd sp.s. c 8 s 183 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Bremerton Readiness Center (02-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

(4) Savings realized on the Yakima readiness center project (98-2-001) may be transferred to the Bremerton readiness center project.

Appropriation:

General Fund--Federal \$ 5,446,000	
State Building Construction Account--State \$ ((4,728,000))	
	<u>6,377,000</u>
Subtotal Appropriation \$ ((10,174,000))	
	<u>11,823,000</u>
Prior Biennia (Expenditures) \$ 1,000,000	
Future Biennia (Projected Costs) \$ 0	
TOTAL \$ ((11,174,000))	
	<u>12,823,000</u>

NEW SECTION. **Sec. 111.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Western State Hospital - Power Plant Revisions and Smokestack Removal (03-1-012)

Appropriation:

State Building Construction Account--State \$ 1,080,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,080,000

NEW SECTION. **Sec. 112. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Regional Secure Community Transition Facilities - Preconstruction Activities (03-H-002)

The appropriation in this section is subject to the following conditions and limitations: If chapter . . . (Engrossed Substitute Senate Bill No. 6594), Laws of 2002 is not enacted by June 30, 2002, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 200,000

Sec. 113. 2001 2nd sp.s. c 8 s 257 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Expand Coyote Ridge Corrections Center (98-2-011)

The appropriation in this section is subject to the following conditions and limitations: To the extent that funding for the design of the expansion at Coyote Ridge corrections center is not necessary as a result of sentencing legislation passed during the 2002 legislative session, the department may expend up to \$264,000 on the predesign for the potential renovation or expansion of existing facilities to accommodate inmate population growth in higher custody levels.

Reappropriation:

State Building Construction Account--State \$ 447,348

Appropriation:

State Building Construction Account--State \$ ((~~1,150,000~~))

1,414,000

Prior Biennia (Expenditures) \$ 802,069

Future Biennia (Projected Costs) \$ ((~~227,763,000~~))

227,499,000

TOTAL \$ 230,162,417

Sec. 114. 2001 2nd sp.s. c 8 s 270 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center - 100 Bed Intensive Management and Segregation Units (00-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--State \$ 40,665

Appropriation:

General Fund--Federal \$ ((~~18,162,205~~))

11,933,692

State Building Construction Account--State \$ ((~~2,521,795~~))

8,750,308

Subtotal Appropriation \$ 20,684,000

Prior Biennia (Expenditures) \$ 149,335

Future Biennia (Projected Costs) \$ 17,727,000

TOTAL \$ 38,601,000

Sec. 115. 2001 2nd sp.s. c 8 s 278 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Statewide: Department of Corrections Emergency Funds (02-1-028)

Appropriation:

Charitable, Educational, Penal, and Reformatory Institutions Account--State \$ 1,700,000
State Building Construction Account--State \$ 850,000
Subtotal Appropriation \$ 2,550,000

Prior Biennia (Expenditures) \$ 901,000
Future Biennia (Projected Costs) \$ 7,800,000
TOTAL \$ ~~((10,401,000))~~

11,251,000

NEW SECTION. Sec. 116. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Coyote Ridge Corrections Center - 210 Emergency Beds (03-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 3,394,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,394,000

NEW SECTION. Sec. 117. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center (MICC): Water Tank Replacement (03-1-022)

Appropriation:

State Building Construction Account--State \$ 1,394,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,394,000

NEW SECTION. Sec. 118. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center (MICC): Fire Audit Requirements (03-2-001)

Appropriation:

State Building Construction Account--State \$ 140,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 140,500

Sec. 119. 2001 2nd sp.s. c 8 s 303 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(3) The department of ecology shall offer the port of Ridgefield a funding package totaling \$8,400,000 to conduct an emergency cleanup action on port-owned property. A portion of the appropriation in this section shall be combined with funds from the appropriation to the department from the state toxics control account in the omnibus operating budget for the 2001-2003 biennium to provide a funding package consisting of sixty-five percent grant and thirty-five percent loan. The terms of the loan shall provide for repayment by the port of Ridgefield commencing ten years from the effective date of this section and is contingent upon an independent financial audit conducted at the direction of the department to determine the port's ability to repay the loan. It is the intent of the legislature to support necessary action by the port of Ridgefield to protect public health and the environment without jeopardizing the port's financial standing.

Reappropriation:

Local Toxics Control Account--State \$ 20,749,772

Appropriation:

Local Toxics Control Account--State \$ ~~((50,000,000))~~

68,500,000

Prior Biennia (Expenditures) \$ 84,103,008

Future Biennia (Projected Costs) \$ 0

TOTAL \$ ~~((154,852,780))~~

173,352,780

Sec. 120. 2001 2nd sp.s. c 8 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:

Water Pollution Control Revolving Account--Federal \$ \$7,996,771

Appropriation:

Water Pollution Control Revolving Account--State \$ ~~((113,835,792))~~

157,135,792

Water Pollution Control Revolving Account--Federal \$ 45,277,010

Subtotal Appropriation \$ ~~((159,112,802))~~

202,412,802

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 467,108,040

TOTAL \$ ~~((626,220,842))~~

677,517,613

Sec. 121. 2001 2nd sp.s. c 8 s 313 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Referendum 38 Water Supply Facilities (02-4-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the appropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) \$300,000 of the appropriation is provided solely to the department of ecology to develop a plan for restoration of stream flow and fish passage in Manastash creek, Kittitas county, through the conversion of surface water irrigation diversions to ground water withdrawals. If the plan determines that conversion of withdrawals from surface water to ground water would restore instream flow and provide benefits for fish, the department shall expedite processing of water right change applications to accomplish this conversion.

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 12,000,000

TOTAL \$ 18,000,000

Sec. 122. 2001 2nd sp.s. c 8 s 344 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Boating Facilities Projects (02-4-001)

Appropriation:

Recreation Resources Account--State \$ ~~((8,318,013))~~

6,934,013

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 40,300,368

TOTAL \$ ~~((48,618,381))~~

47,234,381

Sec. 123. 2001 2nd sp.s. c 8 s 346 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Nonhighway Road and Off-Road Vehicle Activities (NOVA) (02-4-002)

(1) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: ~~((Fifty percent))~~ A portion of the new appropriation ((is provided solely)) may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the new appropriation that applies to grants for capital facilities ~~((is provided solely))~~ may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the new appropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: (a) \$175,000 is provided solely for the interagency committee for outdoor recreation to contract with an independent entity to study the source and make recommendations on the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170.

The study shall include the types of vehicles and location of their use, the types of recreational activities, the types of recreational facilities used, and the recreational use of forest roads relative to other, nonrecreational uses. The interagency committee for outdoor recreation shall review the analysis and submit a report to the standing committees of the legislature, including recommendations regarding amendments to RCW 46.09.170 to: ~~((a))~~ (i) Allocate revenues consistent with the relative proportion of the uses generating such revenues, and ~~((b))~~ (ii) ensure funding for existing off-road vehicle facilities operated by the state parks and recreation commission and local governments. The report shall be submitted no later than December 1, 2002. (b) Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Appropriation:

NOVA Program Account--State \$ 5,527,551

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,559,218

TOTAL \$ 29,086,769

Sec. 124. 2001 2nd sp.s. c 8 s 348 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Washington Wildlife and Recreation Program (02-4-003)

The appropriation in this section for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 is subject to the following conditions and limitations:

(1) The new appropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$ 22,500,000

Habitat Conservation Account--State \$ 22,500,000

Subtotal Appropriation \$ 45,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 180,000,000

TOTAL \$ 225,000,000

Sec. 125. 2001 2nd sp.s. c 8 s 350 (uncodified) is amended to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

Land and Water Conservation Fund (LWCF) (02-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the recreation resources account--federal is appropriated for projects chosen by the interagency committee for outdoor recreation.

(2) By January 1, 2002, the interagency committee for outdoor recreation shall provide a report to the legislature that:

(a) Describes those projects funded subject to subsection (1) of this section; and

(b) Recommends legislation creating a competitive process for the selection of projects that will result in a list of projects to be submitted to the legislature for its approval.

Appropriation:

Recreation Resources Account--Federal \$ ~~((2,500,000))~~

	<u>7,500,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 0	
TOTAL \$ ((2,500,000))	
	<u>7,500,000</u>

Sec. 126. 2001 2nd sp.s. c 8 s 354 (uncodified) is amended to read as follows:
FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Salmon Recovery (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

(3) \$649,000 of the state building construction account--state appropriation is provided solely to the people for salmon partnership to coordinate and assist local, community-based salmon recovery efforts in Washington state. This funding shall be used to: (a) Match federal and private fund sources in order to design and implement not less than twenty on-the-ground projects with community-based restoration groups; (b) implement not less than twelve training workshops throughout the state on state monitoring protocols, project design and management, soliciting and retaining volunteers, and other technical topics related to salmon restoration and enhancement; (c) coordinate a minimum of three technical forums for information exchange between community-based organization staff; and (d) provide up to 1,500 hours of technical assistance to community-based organizations engaged in salmon restoration and enhancement, including direct consultations on utilizing limiting factors in project identification, obtaining necessary permits, and working with landowners. In addition, people for salmon must work with regional fisheries enhancement groups, conservation districts, landowners, tribes, and the business community to develop and sponsor a yearly volunteer expo in order to provide an educational exchange, workshops, and products fair for all organizations engaged in salmon restoration and enhancement and an annual statewide salmon day celebration to engage citizens, businesses, and schools in salmon recovery.

Appropriation:

General Fund--Federal \$ ((27,642,000))	<u>48,642,000</u>
State Building Construction Account--State \$ ((28,000,000))	<u>27,000,000</u>
Subtotal Appropriation \$ ((55,642,000))	<u>75,642,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 264,000,000	
TOTAL \$ ((318,189,000))	
	<u>339,642,000</u>

NEW SECTION. **Sec. 127.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION
 Firearms and Archery Range (FARR) Program (02-0-001)

Appropriation:

Firearms Range Account--State \$ 400,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 400,000

Sec. 128. 2001 2nd sp.s. c 8 s 387 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Hatchery Reform Facility Retrofits (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ ~~((10,000,000))~~ 2,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 60,000,000
TOTAL \$ ~~((70,000,000))~~ 62,000,000

NEW SECTION. **Sec. 129.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE
Deep Water Slough Restoration (98-2-021)

Appropriation:

General Fund--Federal \$ 155,800
State Building Construction Account--State \$ 407,000
Subtotal Appropriation \$ 562,800

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 562,800

Sec. 130. 2001 2nd sp.s. c 8 s 388 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ ~~((1,900,000))~~ 200,000

State Building Construction Account--State \$ 500,000
Subtotal Appropriation \$ ~~((2,400,000))~~ 700,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 11,600,000
TOTAL \$ ~~((14,000,000))~~ 12,300,000

Sec. 131. 2001 2nd sp.s. c 8 s 390 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Facility and Infrastructure Standards and Renovations (02-1-009)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$305,000 of the appropriation in this section shall be used to replace or renovate the caretaker residence and construct pheasant rearing pens at the Lewis county game farm.

(3) The department shall expend the \$300,000 wildlife account--state appropriation to construct a capture and acclimation pond at Grandy Creek.

(4) \$871,000 of the state building construction account--state appropriation is provided solely for renovation and reconstruction of the Samish hatchery.

Appropriation:

General Fund--Federal \$ ((3,100,000))	<u>700,000</u>
General Fund--Private/Local \$ ((1,500,000))	<u>350,000</u>
Aquatic Lands Enhancement Account--State \$ 150,000	
State Building Construction Account--State \$ 7,571,000	
Wildlife Account--State \$ 300,000	
Subtotal Appropriation \$ ((12,621,000))	<u>9,071,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 46,420,000	
TOTAL \$ ((58,741,000))	<u>55,491,000</u>

Sec. 132. 2001 2nd sp.s. c 8 s 392 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Endangered Species Act Compliance on Agency Lands (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ ((8,800,000))	<u>4,300,000</u>
State Building Construction Account--State \$ 1,000,000	
Subtotal Appropriation \$ ((9,800,000))	<u>5,300,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 39,200,000	
TOTAL \$ ((49,000,000))	<u>44,500,000</u>

NEW SECTION. **Sec. 133.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Local and Regional Salmon Recovery Planning (03-H-001)

The water quality account--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans.

Appropriation:

Water Quality Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

Sec. 134. 2001 2nd sp.s. c 8 s 416 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (02-2-013)

Appropriation:

Resources Management Cost Account--State \$ ~~((4,000,000))~~

10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,000,000

TOTAL \$ ~~((22,000,000))~~

28,000,000

NEW SECTION. **Sec. 135.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Resources Real Property Replacement Program (03-2-001)

The appropriation in this section is subject to the following conditions and limitations: The department and trust beneficiaries shall study options for increasing revenues to the trust. The study shall include costs and benefits over time for replacing trust lands with various trust assets including depositing funds from land transfers and sales into the permanent funds. The department shall report on the study to the legislature by December 1, 2002.

Appropriation:

Natural Resources Real Property Replacement Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 10,000,000

Sec. 136. 2001 2nd sp.s. c 8 s 427 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Larch Mountain Road Reconstruction (01-S-001)

The appropriation in this section is provided solely to reconstruct the Larch Mountain road to provide safe access to the Larch Mountain correction camp and department-managed state forest lands. Expenditure of the \$1,000,000 state building and construction account appropriation is contingent upon the department of natural resources utilizing the nonappropriated access road revolving fund to complete reconstruction of the Larch Mountain road. The expenditure of total state appropriated funds for this project shall not exceed \$1,000,000.

Appropriation:

Access Road Revolving Fund--Nonappropriated \$ ((3,000,000))	2,000,000
State Building Construction Account--State \$ 1,000,000	
Subtotal Appropriation \$ ((4,000,000))	<u>3,000,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 0	
TOTAL \$ ((4,000,000))	<u>3,000,000</u>

Sec. 137. 2001 2nd sp.s. c 8 s 505 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
Spokane Crime Laboratory - Design (02-2-013)

Appropriation:

State Building Construction Account--State \$ ((400,000))	<u>635,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ ((7,950,000))	
TOTAL \$ 8,350,000	<u>7,715,000</u>

Sec. 138. 2001 2nd sp.s. c 8 s 506 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL
Vancouver Crime Laboratory - ((~~Pre-design~~) Design) (02-2-010)

Appropriation:

State Building Construction Account--State \$ ((130,000))	<u>365,000</u>
Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ ((7,400,000))	
TOTAL \$ 7,530,000	<u>7,165,000</u>

Sec. 139. 2001 2nd sp.s. c 8 s 602 (uncodified) is amended to read as follows:
FOR THE STATE BOARD OF EDUCATION
State School Construction Assistance Grants (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 from this appropriation is provided to fund up to two FTEs in the office of state fire marshal to exclusively review K-12 construction documents, provide on-site construction inspections, and final acceptance inspections for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review and inspection capabilities and that request such services.

(2) Of the fiscal year 2002 appropriation, \$80,000 is provided solely for skills centers study and survey.

(3) For state assistance grants starting July 1, 2001, for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(4) \$5,400,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2003, shall lapse.

(5)~~((a) \$30,530,000 of this appropriation is provided solely to enhance the state contribution as follows:~~

~~(i) For the state board to increase the eligible square feet allocation by 1.5 square feet for grades 1-12; and~~

~~(ii) For the state board to increase the area cost allowance by \$8 per square foot for grades K-12.~~

~~(b) If chapter . . . (House Bill No. 2173), Laws of 2001 2nd sp. sess. is not enacted by June 30, 2001, both the appropriation and the state board's authority to increase the eligible square feet and area cost allowance in this subsection (5) shall lapse))~~ \$4,826,681 of this appropriation is provided solely for Blair elementary school in the Medical Lake school district due to its unique circumstances of being in a federal impact area and to obtain federal assistance.

Appropriation:

Common School Construction Account--State ~~((FY 2002) \$ 212,040,308
Common School Construction Account--State (FY 2003) \$ 226,846,421))~~

344,922,079

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,831,522,031

TOTAL \$ ~~((2,269,909,260))~~

2,176,444,110

NEW SECTION. Sec. 140. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (03-1-001)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

Sec. 141. 2001 2nd sp.s. c 8 s 624 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Bothell 2A/Cascadia Community College (00-2-015)

The reappropriation in this section is subject to the conditions and limitations under sections 902 through 904 of this act. No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ ~~((29,123,099))~~

	<u>8,666,030</u>
Prior Biennia (Expenditures) \$ ((20,976,901))	
Future Biennia (Projected Costs) \$ 0	<u>38,183,970</u>
TOTAL \$ ((50,100,000))	
	<u>46,850,000</u>

Sec. 142. 2001 2nd sp.s. c 8 s 638 (uncodified) is amended to read as follows:
FOR THE UNIVERSITY OF WASHINGTON
 UW Medical Center Improvements (99-2-010)

Reappropriation:
 Higher Education Construction Account--State \$ 30,000,000
Appropriation:
Higher Education Construction Account--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 50,000,000	
Future Biennia (Projected Costs) \$ 0	
TOTAL \$ ((80,000,000))	
	<u>82,100,000</u>

Sec. 143. 2001 2nd sp.s. c 8 s 661 (uncodified) is amended to read as follows:
FOR WASHINGTON STATE UNIVERSITY
 WSU Vancouver - Multimedia/Electronic Communication Classroom Building: (02-2-907)

The appropriation in this section is subject to the conditions and limitations of sections 902 through 904 of this act. No money from the appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:
 State Building Construction Account--State \$ ((12,900,000
~~Washington State University Building Account--State \$ 3,000,000~~
 Subtotal Appropriation \$)) 15,900,000

Prior Biennia (Expenditures) \$ 600,000	
Future Biennia (Projected Costs) \$ 0	
TOTAL \$ 16,500,000	

Sec. 144. 2001 2nd sp.s. c 8 s 701 (uncodified) is amended to read as follows:
FOR CENTRAL WASHINGTON UNIVERSITY
 Omnibus - Program (02-2-002)

(1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

(2) \$350,000 of this appropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.

Appropriation:
 Central Washington University Capital Projects Account--State \$ 3,750,000

Prior Biennia (Expenditures) \$ 0	
Future Biennia (Projected Costs) \$ 12,559,000	

TOTAL \$ 16,309,000

Sec. 145. 2001 2nd sp.s. c 8 s 755 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Columbia Basin College - Electrical Substation (~~((99-H-004))~~) (99-1-004)

Reappropriation:

State Building Construction Account--State \$ 770,134

Prior Biennia (Expenditures) \$ 229,866

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

Sec. 146. 2001 2nd sp.s. c 8 s 784 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Cascadia Community College: Development (00-2-501)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--State \$ (~~(26,581,595)~~)

7,904,031

Prior Biennia (Expenditures) \$ (~~(23,518,405)~~)

38,945,969

Future Biennia (Projected Costs) \$ 0

TOTAL \$ (~~(50,100,000)~~)

46,850,000

Sec. 147. 2001 2nd sp.s. c 8 s 824 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Technology Institute Partner College Computer Labs (~~((01-S-003))~~) (01-2-689)

The appropriation in this section is provided to construct and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound.

Appropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

Sec. 148. 2001 2nd sp.s. c 8 s 828 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Science Building: New Facility (~~((01-S-001))~~) (01-2-687)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management.

Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,300,000

TOTAL \$ 18,400,000

Sec. 149. 2001 2nd sp.s. c 8 s 829 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Sciences Building: New Facility (~~((01-S-002))) (01-2-688)~~

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,300,000

TOTAL \$ 18,400,000

NEW SECTION. **Sec. 150.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Infrastructure Savings (03-1-001)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1

Sec. 151. 2001 2nd sp.s. c 8 s 799 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Seattle Community College - Building A: Replacement (02-1-217)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects Account--State))~~ State Building Construction Account--State \$ 5,477,400

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,477,400

Sec. 152. 2001 2nd sp.s. c 8 s 803 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Pierce College Fort Steilacoom - Portables: Replacement (02-1-223)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects Account--State))~~ State Building Construction Account--State \$ 2,452,100

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,452,100

Sec. 153. 2001 2nd sp.s. c 8 s 804 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College - Physical Science Portables: Replacement (02-1-226)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects Account--State))~~ State Building Construction Account--State \$ 1,959,800

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 1,959,800

Sec. 154. 2001 2nd sp.s. c 8 s 813 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor Community College - Library: Renovation (02-1-311)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects Account--State))~~ State Building Construction Account--State \$ 4,579,500

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 4,579,500

Sec. 155. 2001 2nd sp.s. c 8 s 907 (uncodified) is amended to read as follows:
ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract

option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract ~~((may))~~ and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Secretary of state:

(a) Enter into a financing contract in the amount of \$13,582,200 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a regional archives building in eastern Washington to be sited on the Eastern Washington University campus in Cheney.

(b) Enter into a financing contract in the amount of \$653,800 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase technology equipment and software for an electronic data archive, provided that authority to expend funding for acquisition of technology equipment and software associated with the electronic data archive is conditioned on compliance with section 902 of the 2001-2003 operating budget bill (information services projects).

(2) Department of general administration:

(a) Enter into a financing contract in the amount of \$3,956,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to expand the existing Isabella Bush records center in Tumwater for use by state agencies.

(b) Enter into a financing contract in the amount of \$35,656,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase two existing office buildings and associated land in Tacoma for use by the department of social and health services.

(c) Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (i) The project description and dollar amount; and (ii) that all requirements of this subsection (2)(c) have been met.

~~(3) ((Military department:~~

~~(a) Enter into a financing contract in the amount of \$653,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Spokane combined public safety training center.~~

~~(b) Enter into a financing contract in the amount of \$807,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Bremerton readiness center.~~

~~(4))~~ Department of corrections:

Enter into a financing contract in the amount of \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.

~~((5))~~ (4) Department of veterans affairs:

(a) Enter into a financing contract in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a skilled nursing home in Retsil.

(b) Enter into a financing contract in an amount not to exceed \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a state veterans' home in eastern Washington.

~~((6))~~ (5) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW in order to:

(a) Enter into financing contracts in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install cabins and yurts statewide.

(b) Enter into a financing contract in an amount not to exceed \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of a multi-purpose dining and meeting facility at Fort Worden state park.

~~((7))~~ (6) Community and technical colleges:

(a) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$4,106,300 plus financing expenses and reserves pursuant to chapter 39.94 RCW to renovate Lynnwood hall and Montlake Terrace hall.

(b) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,134,900 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct an addition to the student center building.

(c) Enter into a financing contract on behalf of Highline Community College in the amount of \$15,006,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the student union building.

(d) Enter into a financing contract on behalf of Lower Columbia College in the amount of \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for up to \$2,500,000 to purchase the maple terrace apartments.

(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for remodeling of the fitness center.

(f) Enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.

(g) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.

(h) Enter into a financing contract on behalf of Renton Technical College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately ten acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.

(i) Enter into a financing contract on behalf of Bellevue community college in the amount of \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the construction of a structured parking garage.

~~((8))~~ (7) Central Washington University: Enter into a financing contract in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.

~~((9))~~ (8) University of Washington:

(a) Enter into a financing contract in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 5.

(b) Enter into a financing contract in the amount of \$5,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 29.

(c) Enter into a financing contract in the amount of \$1,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete the current, phased renovation of Sand Point building 5.

(9) The Evergreen State College: Enter into a financing contract in the amount of \$1,610,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for expansion of the campus children's center.

NEW SECTION. Sec. 156. The following acts or parts of acts are each repealed:

- (1) 2001 2nd sp.s. c 8 s 182 (uncodified);
- (2) 2001 2nd sp.s. c 8 s 184 (uncodified);
- (3) 2001 2nd sp.s. c 8 s 186 (uncodified);
- (4) 2001 2nd sp.s. c 8 s 187 (uncodified); and
- (5) 2001 2nd sp.s. c 8 s 421 (uncodified).

PART 2 JOB CREATION AND INFRASTRUCTURE PROGRAM

NEW SECTION. Sec. 201. The governor and legislature find that the state of Washington is faced with a serious economic downturn following the tragic events of September 11, 2001, and that creating jobs through capital construction will help stabilize and strengthen the state's long-term economy. The dollar amounts specified in this Part 2 are appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, for the purposes of stimulating the state economy through state construction projects. Except where otherwise stated, it is expected that the appropriations for the job creation and infrastructure program shall be expended primarily for direct costs of those projects.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Local/Community Projects (2002-S-005): Job Creation and Infrastructure Projects

The following projects are eligible for funding:

Projects Amount

Asia Pacific center \$ 50,000
Benton county jail \$ 2,000,000
Bremerton maritime park \$ 500,000
Edmonds waterfront park \$ 300,000
Grace Cole memorial park/Brookside creek \$ 400,000
Kent station infrastructure improvements \$ 900,000
Mill creek active use ball fields \$ 1,000,000
Nathan Chapman trail \$ 300,000
Penny creek/9th Avenue crossing \$ 400,000
Port Angeles skills center/skills consortium \$ 3,000,000
Puget Sound environmental learning center \$ 2,000,000
Ridgefield wastewater treatment \$ 585,000
Sammamish surface water treatment \$ 1,500,000
Shoreline historical museum \$ 28,000
Snohomish county children's museum \$ 300,000
Soundview park/playground \$ 200,000
Stewart heights pool project \$ 500,000
Sundome seating expansion - Yakima \$ 1,250,000
Yakima ballfields \$ 1,250,000
TOTAL \$ 16,463,000

Appropriation:

State Building Construction Account--State \$ 16,463,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 16,463,000

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

City of Grandview: Job Creation and Infrastructure Development (2002-S-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center. If the development agreement for the warehouse distribution center has not been signed by May 15, 2002, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Inland Northwest Regional Sports and Recreational Project

The appropriation in this section is subject to the following conditions and limitations: The funds shall be retained in allotment reserve until the office of financial management approves a plan by a nonprofit organization regarding development and management of this project. This review shall ensure that the governing structure of the nonprofit organization contains broad community representation and control and that there will be significant community benefits realized from the project.

Appropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,500,000

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Higline School District Aircraft Noise Mitigation (03-H-001)

The appropriations in this section are subject to the following conditions and limitations:
(1) The port of Seattle and the federal aviation administration must provide their share before the state appropriation may be used.
(2) The appropriations do not commit the state to make future appropriations for this program.

Appropriation:

State Building Construction Account--State \$ 600,000

Education Construction Account--State \$ 4,400,000

Subtotal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 5,000,000

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services - Job Creation and Infrastructure Projects (03-1-001)

Appropriation:

State Building Construction Account--State \$ 750,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 750,000

NEW SECTION. Sec. 207. FOR THE MILITARY DEPARTMENT
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations: The following projects are eligible for funding:

Projects Amount
Port Orchard readiness center \$ 785,000
Anacortes readiness center \$ 825,000
Ephrata readiness center \$ 390,000
TOTAL \$ 2,000,000

Appropriation:

State Building Construction Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,000,000

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:
(1) The following projects are eligible for funding:

Projects Amount
Rainier school: Emergency power improvements \$ 65,000
Rainier School: Fire hydrant improvements \$ 410,000
Eastern state hospital: Replace failed sewer lines \$ 135,000
Naselle youth camp: Roofing repairs \$ 135,000
Ridgeview group home: Replace roofing \$ 85,000
Rainier school: Steam distribution system repairs \$ 200,000
Parke Creek group home: Remodel and improvements \$ 150,000
Woodinville treatment center: Replace exterior windows and security improvements \$ 60,000
Lakeland village: Emergency power distribution to north campus \$ 110,000
Lakeland village: Replace primary electrical feed and switchgear \$ 85,000

Naselle youth camp: Stabilize hillsides \$ 100,000
Sunrise group home: Replace exterior windows and security improvements \$ 135,000
Sunrise group home: Replace vinyl siding \$ 85,000

(2) The department shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF CORRECTIONS

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Projects Amount

Washington state penitentiary roof repairs \$ 426,150

McNeil Island ferry slip repairs \$ 165,000

Reynolds work release fire repairs \$ 56,000

Tacoma prerelease roof repairs \$ 90,000

Clallam Bay exterior improvements \$ 334,500

McNeil Island roof repairs \$ 90,699

Pine Lodge prerelease improvements \$ 192,500

Monroe corrections center improvements \$ 56,000

Ahtanum View exterior improvements \$ 193,760

Airway Heights exterior improvements \$ 80,000

Washington corrections center roof repairs \$ 1,071,870

Olympic energy plant improvements \$ 179,000

McNeil Island roof repairs \$ 146,700

(2) The department shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

State Building Construction Account--State \$ 1,604,609

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,604,609

Sec. 210. 2001 2nd sp.s. c 8 s 265 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Local Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

~~((\$3,000,000))~~ (1) \$5,500,000 of the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

(2) \$500,000 of the state building construction account--state appropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.

Reappropriation:

General Fund--Federal \$ 2,952,091

Appropriation:

General Fund--Federal \$ 1,335,619

State Building Construction Account--State \$ ((3,000,000))

3,500,000

Subtotal Appropriation \$ ((4,335,619))

4,835,169

Prior Biennia (Expenditures) \$ 1,193,270

Future Biennia (Projected Costs) \$ 966,338

TOTAL \$ ((9,447,318))

9,947,318

NEW SECTION. Sec. 211. FOR THE STATE PARKS AND RECREATION COMMISSION

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following building renovation and utility upgrade projects are eligible for funding:

Project Amount

Bayview state park: Campground comfort station \$ 400,000

Belfair phase 1 sewer replacement \$ 200,000

Birch Bay state park: Residence replacement \$ 175,000

Camano Island state park: Group camp comfort station replacement \$ 250,000

Camano Island state park: Connect comfort station to utility system \$ 734,000

Curlew Lake state park: Campground comfort station replacement \$ 120,000

Dalles Mountain Ranch state park: Potable water well and distribution lines \$ 125,000

Fort Columbia state park: Exterior improvements to hostel \$ 250,000

Fort Canby state park: Upgrade north head duplex and carriage house \$ 290,000

Fort Simcoe state park: Preservation of historic officers' quarters \$ 233,000

Ginkgo state park: Interpretive center renovation and improvements \$ 300,000

Iron Horse state park: FF-16 trestle replacement \$ 500,000

Iron Horse state park: South Cle Elum depot complex \$ 200,000

Kitsap Memorial state park: Campground comfort station replacement \$ 380,000

Lake Sylvia state park: Day use comfort station improvements \$ 90,000

Lewis & Clark Trail state park: Improvements to comfort stations \$ 250,000

Lime Kiln state park: Garage renovation to interpretive center \$ 100,000

Millersylvania state park: Wastewater treatment plant improvements \$ 175,000

Millersylvania state park: Comfort station 2 historic preservation \$ 110,000

Millersylvania state park: Kitchen 2 historic preservation \$ 60,000

Moran state park: Residence replacement \$ 175,000

Moran state park: South campground comfort station improvements \$ 100,000

Moran state park: Recreational vehicle trailer sewage disposal replacement \$ 150,000

Moran state park: Kitchen shelter 8 and 21 replacement \$ 112,000

Ocean Beach: Access water line purveyors \$ 50,000

Ocean City state park: North Beach area residence replacement \$ 175,000

Old Fort Townsend state park: Residence replacement \$ 175,000

Olmstead Place state park: Cabin historic preservation \$ 60,000

Olmstead Place state park: Smith house-historic preservation \$ 115,000
Paradise Point state park: Campground comfort station improvements \$ 90,000
Perrygin Lake state park: Comfort station improvements \$ 350,000
Rainbow Falls state park: Replace pedestrian suspension bridge \$ 250,000
Sacajawea state park: Interpretive center renovation/improvements \$ 600,000
Sacajawea state park: Renovate caretaker's residence and garage \$ 170,000
Sequest state park: South loop water system improvements \$ 50,000
Sequim Bay state park: Fish passage barrier replacement \$ 250,000
Statewide: Campground electrification statewide (recreational vehicle hookups) \$ 1,500,000
Statewide: Culvert replacements for fish passage \$ 750,000
Statewide: Housing renovation \$ 1,348,000
Thorpe Bridge: Decking and safety railing installation \$ 300,000
Twin Harbors state park: Potable water systems improvements \$ 185,000
Twin Harbors state park: West campground comfort station replacements \$ 350,000

(2) State parks shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

State Building Construction Account--State \$ 9,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 9,500,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Job Creation and Infrastructure Projects (03-1-001)

The following projects are eligible for funding:

Project Amount

Tokol creek: Hatchery pathogen-free water \$ 140,000
Whitehorse hatchery: Well and pond renovation \$ 300,000
Dungeness hatchery: Intakes \$ 290,000
Issaquah hatchery: Phase 3 \$ 238,000
Wallace river hatchery: Pollution abatement pond \$ 175,000
Crop and orchard protection fencing \$ 200,000
Sunnyside wildlife area: Well replacement \$ 30,000
Region 5 hazardous material storage \$ 45,000
Cedar creek: Trap storage \$ 30,000
Statewide: Underground storage tank removal \$ 50,000
Chelan hatchery storage building \$ 75,000
Wenatchee: Office survey and fence \$ 25,000
Wenatchee: Warehouse renovation and storage building \$ 41,000
Wenatchee: Office and warehouse paint \$ 12,000
Region 2: Office underground sprinkler system \$ 10,000
Americans with disabilities act toilet installation: 12 locations \$ 200,000
Sherman creek: Irrigation line replacement \$ 149,000
Windmill ranch wildlife area: Replace pivot irrigation system \$ 121,400
Methow: Headquarters renovations \$ 43,800
Johns river wildlife area: Replace heating and windows \$ 40,200
Statewide: Elk fencing \$ 500,000
St. Helens wildlife area: Bridge replacement No. 502 \$ 175,000

Sunset falls bridge: Deck and safety improvements \$ 75,000
Statewide: Paving of bridge approaches \$ 75,000
Total: \$ 3,040,400

Appropriation:

State Building Construction Account--State \$ 3,040,400

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,040,400

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF FISH AND WILDLIFE
Culvert Replacement for Fish Passage: Job Creation and Infrastructure Projects (03-S-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 500,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF AGRICULTURE
Fairground Health and Safety Improvements: Job Creation and Infrastructure Projects (03-S-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of agriculture to make grants to counties for health and safety improvements at fairs and youth shows as authorized by chapter 15.76 RCW.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 100,000

NEW SECTION. Sec. 215. FOR THE WASHINGTON STATE PATROL
Job Creation and Infrastructure Projects (03-1-001)

Appropriation:

State Building Construction Account--State \$ 250,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 250,000

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION
Columbia River Dredging (03-H-001)

The appropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless an agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount in this section shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Appropriation:

State Building Construction Account--State \$ 17,700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,700,000

NEW SECTION. Sec. 217. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Lewis and Clark's Station Camp--Park and Infrastructure Development: Job Creation and Infrastructure Projects (2002-S-001)

Appropriation:

State Building Construction Account--State \$ 2,552,226

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,552,226

NEW SECTION. Sec. 218. FOR THE UNIVERSITY OF WASHINGTON

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Undergraduate library ceiling \$ 600,000

Oceanography/fisheries dock \$ 420,000

Storm and footing drains \$ 300,000

Eyewash stations in labs \$ 1,000,000

Roof replacements \$ 1,380,000

Bagley Hall lab renovations \$ 1,200,000

AA/BB Wings pipe replacement \$ 1,025,000

Marine studies boiler replacement \$ 75,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

NEW SECTION. Sec. 219. FOR WASHINGTON STATE UNIVERSITY

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount
Library road \$ 450,000
Stadium way \$ 475,000
Storm water/sewer \$ 360,000
Miscellaneous road improvements \$ 246,500
Lighting \$ 500,000
Upgrade water system \$ 435,000
Fire alarm retrofits \$ 103,500
Hazardous waste products \$ 1,200,000
Miscellaneous safety projects \$ 1,500,000
Spokane renovation \$ 500,000
Steam system improvements \$ 188,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 220. FOR EASTERN WASHINGTON UNIVERSITY
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount
Tawanka commons renovation \$ 3,684,453
Campus police dispatch \$ 2,740,000
TOTAL \$ 6,424,453

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 2,500,000

NEW SECTION. Sec. 221. FOR CENTRAL WASHINGTON UNIVERSITY
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount
Omnibus preservation \$ 3,500,000

Roofing \$ 1,500,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 222. FOR THE EVERGREEN STATE COLLEGE

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Library roof repairs and safety \$ 2,710,000

Mechanical repairs \$ 750,460

Reservoir fences \$ 15,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,500,000

NEW SECTION. Sec. 223. FOR WESTERN WASHINGTON UNIVERSITY

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Miller hall \$ 1,650,000

Steam plant \$ 1,000,000

Air quality \$ 743,000

Utilities \$ 501,000

Viking substation \$ 103,000

Storm water detention \$ 75,000

Old main restoration \$ 582,000

Fire safety \$ 435,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0
Future Biennia (Projected Costs) \$ 0
TOTAL \$ 3,000,000

NEW SECTION. Sec. 224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

College Projects Amount

Bates Technical College Roof and facility repairs--HVAC controls and equipment and elevator \$ 1,160,000
Bellevue Community College Roof repairs \$ 2,374,000
Bellingham Technical College Facility repairs--HVAC \$ 986,000
Big Bend Community College Facility repairs--Fume hoods \$ 100,000
Clark Community College Facility repairs--Structural \$ 313,000
Columbia Basin College Facility repairs--Replace heaters \$ 225,000
Everett Community College Roof repairs \$ 57,000
Grays Harbor Community College Bishop center; Roof and facility repairs--Electrical panels \$ 745,000
Green River Community College Campus commons--Lighting, landscape, and drainage \$ 600,000
Highline Community College Utility tunnels; Redondo pier; Roof repairs \$ 3,189,000
Lake Washington Technical College Facility repairs--Window and roof leak damage \$ 105,000
Lower Columbia College Roof repairs and removal of portables, including site work \$ 290,175
Olympic Community College Facility repairs--HVAC, ventilation, and dust accumulations \$ 1,354,000
Peninsula Community College Facility repairs--HVAC, domestic water, and ventilation \$ 2,366,000
Pierce Community College -
Fort Steilacoom Facility repairs--HVAC, pipe, and electrical service upgrades \$ 156,000
Renton Technical College Roof repairs \$ 526,000
Seattle Central Community College Roof and miscellaneous repairs \$ 435,000
Shoreline Community College Roof repairs \$ 452,000
South Seattle Community College Roof and facility repairs--HVAC, fiber optic for EMS \$ 2,301,000
Spokane Community College Roof and facility repairs--Science building rooftop heat unit \$ 285,000
Spokane Falls Community College Facility repairs--HVAC, electrical service, and distribution \$ 378,000
Tacoma Community College Facility repairs--HVAC, electrical \$ 2,354,000
Walla Walla Community College Enology phase 2 and miscellaneous repairs \$ 1,084,000
Wenatchee Valley Community College Replace portable--prep and site work; Welding lab; Roof and facility repairs \$ 2,565,000
Whatcom Community College Facility repairs--HVAC and building fungus \$ 700,000
Yakima Valley Community College Electrical, fiber optic, and equipment installations for 2+ 2 classrooms \$ 1,500,000
TOTAL \$ 26,600,175

(2) The community and technical college system's board shall act to ensure that colleges implement the eligible projects pursuant to sections 225 through 227 of this act.

(3) The state building construction account--state appropriation is for the following projects: Highline Community College, Peninsula Community College, and Spokane Community College. The education construction account--state appropriation is for the remaining projects under this section.

Appropriation:

Education Construction Account--State \$ 20,760,175
State Building Construction Account--State \$ 5,840,000
Subtotal Appropriation \$ 26,600,175

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0
TOTAL \$ 26,600,175

NEW SECTION. Sec. 225. Agencies shall expedite the expenditure of appropriations for the job creation and infrastructure program in order to: (1) Maximize additional private employment opportunities associated with capital expenditures; (2) expediently renew and repair a wide variety of state facilities and infrastructure; and (3) minimize reappropriations for work under this section to those projects that have been encumbered and are substantially underway by June 30, 2003. Agencies shall implement the job creation and infrastructure program within the agency's current level of employees.

NEW SECTION. Sec. 226. The following conditions apply to appropriations for the job creation and infrastructure program: (1) Agencies shall contract permitting, design, and construction services wherever appropriate; (2) agencies shall coordinate contract and project management services to meet the completion goals of this section; (3) agencies may petition the office of financial management to use agency staff or to separately contract project management services for individual projects on an exception basis by demonstrating that this approach is more cost effective and necessary to meet the timeline goals in this section; and (4) to carry out the provisions of sections 201 through 227 of this act, the office of financial management may assign responsibility for design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 227. To ensure that job creation and infrastructure program appropriations are carried out in accordance with legislative intent, funds shall not be allotted until eligible projects are approved by and on file with the office of financial management. Allotments for appropriations shall be provided for each eligible project in accordance with the capital project review requirements adopted by the office of financial management. No expenditure may be incurred or obligation assumed against job creation and infrastructure program appropriations until the office of financial management has approved the allotment of the funds to be expended.

The office of financial management is expected to monitor the progress of eligible projects that receive appropriations. No later than December 1, 2002, the office of financial management shall report the following information to the capital budget committee of the house of representatives and the ways and means committee of the senate: (1) A status report on each project noting percent completion; and (2) an explanation of why any appropriation remains unexpended. Agencies shall make this information available to the office of financial management upon request.

PART 3 MISCELLANEOUS

NEW SECTION. Sec. 301. FOR THE STATE TREASURER--TRANSFERS

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in fiscal year 2002.

Washington State University Building Account:

For transfer to the state general fund \$ 3,000,000

Community and Technical College Capital Projects Account:

For transfer to the state general fund \$ 14,468,800

Sec. 302. RCW 28B.30.730 and 1991 sp.s. c 13 s 50 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute

(a) An obligation, either general or special, of the state; or

(b) A general obligation of Washington State University or of the board;

- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
 - (c) That the bond is payable both principal and interest solely out of the bond retirement fund;
 - (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
 - (5) Shall be payable both principal and interest out of the bond retirement fund;
 - (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
 - (7) Shall be sold in such manner and at such price as the board may prescribe;
 - (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:
 - (a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;
 - (b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;
 - (c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;
 - (d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service (~~account [fund]~~) fund pursuant to RCW 43.08.190. During the 2001-2003 fiscal biennium, the legislature may transfer from the Washington State University building account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 303. RCW 28B.50.360 and 2000 c 65 s 1 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

- (1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state

treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 304. In order to coordinate 2003-2005 capital budget requests with the joint legislative audit and review committee's study of higher education facility preservation, each higher education baccalaureate institution and the state board for community and technical colleges shall report the following information to the joint legislative audit and review committee, the office of financial management, and the higher education coordinating board by the following dates:

(1) By May 1, 2002, a list of all facility renovation and replacement projects for which the baccalaureate institution or state board for community and technical colleges anticipates requesting over five million dollars will be requested in the first six years of the 2003-2013 ten year capital plan; and

(2) By July 1, 2002, planning, justification, and budget information for each listed project, including completed predesigns for 2003-2005 projects.

NEW SECTION. Sec. 305. (1) The public works board shall provide a follow-up to its 1998 infrastructure needs assessment by reevaluating existing infrastructure financing sources available for local government infrastructure needs, as currently authorized by the state.

(2) The evaluation shall include a listing, description, and the extent of utilization of all state authorized financing options. The evaluation shall also determine how these sources could be used more effectively, and recommend legislation necessary to make the sources more usable.

(3) The public works board shall work in cooperation with the legislative evaluation and accountability program, the municipal research council, and house of representatives and senate fiscal committees, as deemed appropriate. The public works board may also utilize state agencies, community officials, private business organizations, labor organizations, and other entities as appropriate in conducting the evaluation.

(4) The public works board shall report its findings to the house of representatives capital budget committee and the senate ways and means committee by December 1, 2002.

NEW SECTION. Sec. 306. (1) A joint select committee on capitol historic district governance is established. The joint select committee, in consultation with the state capitol committee and the department of general administration, shall conduct a study to assess, at a minimum, the feasibility of: (a) Creating a separate entity to oversee the future maintenance and preservation needs of the state legislative building, the John A. Cherberg building, the John L. O'Brien building, the Newhouse building, and the Pritchard building; (b) an organizational structure for this entity; and (c) a recommendation of funding needed for the creation and on-going operation of this entity with consideration given to the necessary and unique preservation requirements for continued maintenance of these historical buildings.

(2) The joint select committee consists of two members selected by the speaker of the house of representatives, one from each major caucus, and two members selected by the president of the senate, one from each major caucus. The committee shall be staffed by the house of representatives office of program research and senate committee services.

(3) The committee shall report its findings and recommendations to the legislature by December 1, 2002.

NEW SECTION. **Sec. 307.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 308.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending RCW 28B.30.730 and 28B.50.360; amending 2001 2nd sp.s. c 8 ss 111, 117, 118, 173, 157, 183, 257, 270, 278, 303, 311, 313, 344, 346, 348, 350, 354, 387, 388, 390, 392, 416, 427, 505, 506, 602, 624, 638, 661, 701, 755, 784, 824, 828, 829, 799, 803, 804, 813, 907, and 265 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2001 2nd sp.s. c 8 ss 182, 184, 186, 187, and 421 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency."

With the consent of the House, amendments (575) and (560) were withdrawn.

Representative Delvin moved the adoption of amendment (586) to the striking amendment (552):

On page 16 of the amendment, line 5, strike "(a)"
On page 16 of the amendment, line 19, after "to:" strike "((a)) (i)" and insert "(a)"
On page 16 of the amendment, line 21, after "and" strike "((b)) (ii)" and insert "(b)"
On page 16 of the amendment, line 24, after "December 1, 2002." strike all material through "uses." on page 16, line 27

Representative Delvin spoke in favor of adoption of the amendment to the striking amendment.

Representative Murray spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was not adopted.

Representative Wood moved the adoption of amendment (623) to the striking amendment:

On page 38, after line 1, insert the following:
"West central community center childcare project \$ 500,000"
On page 38, line 3, strike "16,463,000" and insert "16,963,000"
On page 38, line 5, strike "16,463,000" and insert "16,963,000"
On page 38, line 8, strike "16,463,000" and insert "16,963,000"

Representatives Wood and Murray spoke in favor of adoption of the amendment to the striking amendment.

Representative Schoesler spoke against adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

Representative Casada moved the adoption of amendment (565) to the striking amendment:

On page 38, after line 2, insert the following:

"William H. Factory small business incubator \$ 250,000"

On page 38, line 3, strike "\$16,463,000" and insert "\$16,713,000"

On page 38, line 5, strike "\$16,463,000" and insert "\$16,713,000"

On page 38, line 8, strike "\$16,463,000" and insert "\$16,713,000"

Representatives Casada and Conway spoke in favor of adoption of the amendment to the striking amendment.

The amendment to the striking amendment was adopted.

The striking amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House was placed on final passage.

Representative Murray spoke in favor of passage of the bill.

Representatives Alexander, Schindler, Schoesler and Roach spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 6396, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6396, as amended by the House and the bill passed the House by the following vote: Yeas - 80, Nays - 18, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Ballasiotes, Barlean, Benson, Berkey, Boldt, Bush, Cairnes, Campbell, Casada, Chase, Clements, Cody, Conway, Cooper, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 80.

Voting nay: Representatives Anderson, Armstrong, Ballard, Buck, Carrell, Chandler, Cox, Holmquist, Lisk, Mastin, McMorris, Mulliken, Pflug, Roach, Schindler, Schoesler, Sump, and Talcott - 18.

Engrossed Senate Bill No. 6396, as amended by the House, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2338,
HOUSE BILL NO. 2380,

SECOND SUBSTITUTE HOUSE BILL NO. 2403,
HOUSE BILL NO. 2425,
HOUSE BILL NO. 2444,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671,
ENGROSSED HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2758,
SECOND SUBSTITUTE HOUSE BILL NO. 2867,
ENGROSSED HOUSE BILL NO. 2901,
ENGROSSED HOUSE BILL NO. 2993,
ENGROSSED HOUSE BILL NO. 3011,
HOUSE CONCURRENT RESOLUTION NO. 4427,
SENATE BILL NO. 5082,
THIRD SUBSTITUTE SENATE BILL NO. 5514,
SECOND SUBSTITUTE SENATE BILL NO. 5949,
SECOND SUBSTITUTE SENATE BILL NO. 6353,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,
SENATE BILL NO. 6591,
SUBSTITUTE SENATE BILL NO. 6814,
SUBSTITUTE SENATE BILL NO. 6823,
SENATE BILL NO. 6828,
SENATE BILL NO. 6832,
SUBSTITUTE SENATE BILL NO. 6833,

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Murray and Alexander

Creating the joint select committee on school construction funding.

The concurrent resolution was read the second time. There being no objection, Substitute House Concurrent Resolution No. 4411 was substituted for House Concurrent Resolution No. 4411 and the substitute concurrent resolution was placed on the second reading calendar.

Substitute House Concurrent Resolution No. 4411 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

Representatives Murray and Alexander spoke in favor of passage of the concurrent resolution.

The Speaker stated the question before the House to be the final passage of Substitute House Concurrent Resolution No. 4411.

Substitute House Concurrent Resolution No. 4411 was adopted.

SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Education (originally sponsored by Representatives Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush, Dunn and Campbell)

Including the Washington national guard youth challenge program as an alternative educational service provider.

The bill was read the second time. There being no objection, Second Substitute House Bill No. 1646 was substituted for Substitute House Bill No. 1646 and the second substitute bill was placed on the second reading calendar.

Second Substitute House Bill No. 1646 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Schmidt and Quall spoke in favor of passage of the bill.

Representative Ballard spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 1646.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1646 and the bill passed the House by the following vote: Yeas - 72, Nays - 26, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Ballasiotes, Barlean, Benson, Berkey, Bush, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 72.

Voting nay: Representatives Alexander, Anderson, Armstrong, Ballard, Boldt, Buck, Cairnes, Chandler, Cox, Crouse, DeBolt, Dunn, Ericksen, Holmquist, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Pearson, Pflug, Schindler, Schoesler, Sehlin, and Sump - 26.

Second Substitute House Bill No. 1646, having received the necessary constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 13, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1531, with the following amendment:

On page 10, after line 35, insert the following:

"Sec. 3. RCW 67.28.181 and 1998 c 35 s 1 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall

continue through January 1, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section, except that a municipality located in more than one county may impose a tax under this section in each county at the maximum rate that would have been allowed as of March 11, 1998.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals fifteen and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title, after "67.28.180," insert "67.28.181,"

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 1531 and advanced the bill as amended by the Senate to final passage.

Representatives Morris and Cairnes spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1531 and the bill passed the House by the following vote: Yeas - 96, Nays - 2, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representatives Chandler and Lisk - 2.

Second Substitute House Bill No. 1531, as amended by the Senate having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 14, 2002

Mr. Speaker:

The President has signed:
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140,
and the same is herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The Senate has concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 6818,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1531,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140,

MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART I - ACCOUNTABILITY FOR TRANSPORTATION PROJECTS AND PROGRAMS

NEW SECTION. **Sec. 101.** It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, a transportation accountability process must be established to provide oversight on transportation projects. The legislative transportation accountability committee will replace and assume the duties and responsibilities of the legislative transportation committee and, additionally, in conjunction with an independent transportation accountability board, report to the public on how tax dollars are spent on projects funded by new transportation taxes under this act.

NEW SECTION. **Sec. 102.** In addition to the legislative transportation accountability committee's other responsibilities under this chapter, the committee has the following responsibilities:

(1) Direct the department of transportation to submit a transportation accountability audit report as required under section 103 of this act;

(2) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 103 of this act;

(3) When necessary, make policy recommendations for improving efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms;

(4) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures; and

(5) Appoint members of the transportation accountability board as nominated by the governor pursuant to section 106 of this act.

NEW SECTION. Sec. 103. The department of transportation shall prepare and submit to the transportation commission once each quarter a comprehensive audit report on each transportation project funded by this act. The audit report shall be known as the "transportation accountability audit." For the purposes of this act, the audit must include the following elements:

- (1) Project status and any scope changes;
- (2) Estimated completion date and cost, noting any changes from past estimates;
- (3) Actual project expenditures as compared with projected expenditures;
- (4) Any changes in financing for each project;
- (5) Claim or change orders that result in greater than a five-percent cumulative increase in project cost, or greater than sixty days of delay;
- (6) Status of any required permits;
- (7) Mitigation efforts to relieve both traffic and environmental impacts;
- (8) Evaluation of work force effectiveness, including both state employees and contractors;
- (9) Outlook for the upcoming year, including projected accomplishments and challenges;
- (10) Copies of any accountability reports filed with the federal highway administration; and
- (11) Any other useful information the committee or commission requests.

NEW SECTION. Sec. 104. The transportation commission must review the proposed transportation accountability audit submitted by the department. After reviewing the information contained therein, the commission may request additional information or data, or ask for clarifications. The commission is prohibited from changing any of the data contained in the audit report.

After conducting its review, the commission must forward the transportation accountability audit to the legislative transportation accountability committee and the transportation accountability board.

NEW SECTION. Sec. 105. (1) Upon completion of its review under section 104 of this act, the transportation commission shall forward the transportation accountability audit to the transportation accountability board and the legislative transportation accountability committee. The transportation accountability board will accept or reject the report.

- (a) In determining whether to accept or reject the report, the board:
 - (i) Will analyze, investigate, and evaluate the data contained in the audit report;
 - (ii) May, when authorized by the legislative transportation accountability committee, contract out for planners, consultants, and other technical personnel to assist in the audit review process; and
 - (iii) May request additional information or data from the department of transportation.
- (b) As part of the evaluation process, the board may make recommendations to the legislative transportation accountability committee for efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms.

(2) After reviewing the report, the board must forward the transportation accountability audit and recommendations to the office of financial management and the legislative transportation accountability committee.

(3) The legislative transportation accountability committee must make the transportation accountability audit report available to the public.

(4) In addition to its regular staff, the legislative transportation accountability committee is authorized to contract out for planners, consultants, and other technical personnel to advise it, or the board at its request, in the performance of its duties, assist in the review of the transportation accountability audit, and to assist in other audits initiated by the committee.

(5) Staff support to the board must be provided by the legislative transportation accountability committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial

support. The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.

NEW SECTION. Sec. 106. (1) The transportation accountability board is created.

(2) The board will consist of no fewer than five and no more than nine members nominated by the governor, and selected by the legislative transportation accountability committee, for terms of four years, except that at least half the members initially appointed will be appointed for terms of two years. The members of the board must be chosen so the board will have experience and expertise relating to major civil engineering and construction works and facilities to include: (a) Design, estimating, contract packaging, and procurement; (b) construction means and methods and construction management and administration; (c) project finance, accounting, controls, and reporting; (d) procedures for obtaining permits and for assuring regulatory compliance; (e) dispute resolution; (f) construction work force training and safety; (g) general public administration; and (h) experience crafting and implementing environmental mitigation plans.

(3) The legislative transportation accountability committee may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

NEW SECTION. Sec. 107. (1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members. The board shall be compensated from the general appropriation for the legislative transportation accountability committee and in accordance with RCW 43.03.250.

(2) Each member of the board will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chairman. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chairman may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

NEW SECTION. Sec. 108. Sections 101 through 107 of this act are each added to chapter 44.40 RCW.

Sec. 109. RCW 44.40.010 and 1999 sp.s. c 1 s 616 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, recreated and renamed the legislative transportation committee by chapter 87, Laws of 1980, is hereby recreated and renamed the legislative transportation accountability committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation accountability committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All

vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

~~((On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.))~~

The committee shall adopt rules and procedures for its orderly operation.

Sec. 110. RCW 44.40.013 and 2001 c 259 s 5 are each amended to read as follows:

The administration of the legislative transportation accountability committee is subject to RCW 44.04.260.

Sec. 111. RCW 44.40.015 and 2001 c 259 s 6 are each amended to read as follows:

The members of the legislative transportation accountability committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation accountability committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation accountability committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation accountability committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation accountability committee staff utilization.

Sec. 112. RCW 44.40.020 and 1996 c 129 s 9 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under RCW ~~((43.51.113))~~ 79A.05.125.

Sec. 113. RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation accountability committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

Sec. 114. RCW 44.40.030 and 1982 c 227 s 17 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation accountability committee may participate in: (1) The activities of committees of the council of state

governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

Sec. 115. RCW 44.40.040 and 2001 c 259 s 7 are each amended to read as follows:

The members of the legislative transportation accountability committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation accountability committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 116. RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation accountability committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 117. RCW 44.40.090 and 2001 c 259 s 8 are each amended to read as follows:

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation accountability committee is not appointed.

Sec. 118. RCW 44.40.100 and 2001 c 259 s 9 are each amended to read as follows:

Subject to RCW 44.04.260, the legislative transportation accountability committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

Sec. 119. RCW 44.40.140 and 1983 c 212 s 2 are each amended to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation accountability committee shall review the policy of the state concerning fees imposed on nonpolluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

Sec. 120. RCW 44.40.150 and 1998 c 245 s 88 are each amended to read as follows:

(1) The legislative transportation accountability committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;

- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development and construction of transportation projects;
- (e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;
- (f) Explore alternatives for the establishment of an integrated and balanced multimodal statewide transportation system to meet the needs of the 21st century; and
- (g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation accountability committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation accountability committee in carrying out its duties under this section.

(3) The legislative transportation accountability committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

PART II - LICENSE FEES

Sec. 201. RCW 46.16.0621 and 2000 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) License tab fees shall be thirty dollars per year for motor vehicles, regardless of year, value, make, or model, beginning January 1, 2000.

(2) For the purposes of this section, "license tab fees" are defined as the general fees paid annually for licensing motor vehicles, including cars, sport utility vehicles, and motorcycles(~~(, and motor homes)~~).

NEW SECTION. **Sec. 202.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross weight portion of the current combined licensing fees" means the amounts listed in RCW 46.16.070, Schedule A, less twenty-five dollars and seventy-five cents, and the amounts listed in Schedule B, less twenty-five dollars and seventy-five cents and less an additional ninety dollars if the requested gross weight is over forty thousand pounds.

Sec. 203. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to (~~the excise tax prescribed in chapter 82.44 RCW and~~) the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, motor home, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight (~~thereof pursuant to the provisions of~~) under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT SCHEDULE A SCHEDULE B

4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00

26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00
34,000 lbs.	\$ 323.00	\$ 323.00
36,000 lbs.	\$ 350.00	\$ 350.00
38,000 lbs.	\$ 384.00	\$ 384.00
40,000 lbs.	\$ 439.00	\$ 439.00
42,000 lbs.	\$ 456.00	\$ 546.00
44,000 lbs.	\$ 466.00	\$ 556.00
46,000 lbs.	\$ 501.00	\$ 591.00
48,000 lbs.	\$ 522.00	\$ 612.00
50,000 lbs.	\$ 566.00	\$ 656.00
52,000 lbs.	\$ 595.00	\$ 685.00
54,000 lbs.	\$ 642.00	\$ 732.00
56,000 lbs.	\$ 677.00	\$ 767.00
58,000 lbs.	\$ 704.00	\$ 794.00
60,000 lbs.	\$ 750.00	\$ 840.00
62,000 lbs.	\$ 804.00	\$ 894.00
64,000 lbs.	\$ 822.00	\$ 912.00
66,000 lbs.	\$ 915.00	\$ 1,005.00
68,000 lbs.	\$ 954.00	\$ 1,044.00
70,000 lbs.	\$ 1,027.00	\$ 1,117.00
72,000 lbs.	\$ 1,098.00	\$ 1,188.00
74,000 lbs.	\$ 1,193.00	\$ 1,283.00
76,000 lbs.	\$ 1,289.00	\$ 1,379.00
78,000 lbs.	\$ 1,407.00	\$ 1,497.00
80,000 lbs.	\$ 1,518.00	\$ 1,608.00
82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00
105,500 lbs.	\$ 2,883.00	\$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3)(a) Beginning with all motor vehicle registrations that are due or become due on July 1, 2002, there will be paid and collected annually a fifteen percent surcharge on the gross weight portion

of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(b) Beginning with all motor vehicle registrations that are due or become due on July 1, 2003, and thereafter, there will be paid and collected annually a thirty percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(4) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (5) The proceeds from the fees collected under ~~((subsection (1) of))~~ this section shall be distributed in accordance with RCW 46.68.035.

Sec. 204. RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The proceeds from the surcharge collected under RCW 46.16.070(3) must be deposited into the motor vehicle account.

(3) All fees collected under RCW 46.16.070(1) for motor homes, less the distribution required under subsection (1) of this section, must be deposited into the motor vehicle account.

(4) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

Sec. 205. RCW 46.16.071 and 1996 c 315 s 4 are each amended to read as follows:

(1) In addition to the fees set forth in RCW 46.16.070, there shall be paid and collected annually upon registration, a fee of one dollar for each motor home, truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, notwithstanding the provisions of RCW 46.16.070.

(2) In addition to the fees set forth in RCW 46.16.085, there shall be paid and collected annually upon registration, a fee of one dollar for each trailer, semitrailer, and pole trailer, notwithstanding the provisions of RCW 46.16.085.

(3) The proceeds from the fees collected under subsections (1) and (2) of this section shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor under RCW 46.01.140, the proceeds shall be credited to the current county expense fund.

NEW SECTION. **Sec. 206.** A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of roadway improvement projects to facilitate freight movement.

PART III - FUEL TAX

Sec. 301. RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~(shall apply)~~) applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2002, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of four cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

Sec. 302. RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate (~~(computed in the manner provided in RCW 82.36.025 on each)~~) of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2002, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) Beginning July 1, 2003, an additional and cumulative special fuel tax rate of four cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) The tax is imposed (~~(by subsection (1) of this section is imposed)~~) when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (5) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory

provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 303. RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (j)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

(2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this subsection.

~~((e))~~ (a) For distribution to the motor vehicle fund an amount equal to 44.387 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1): (i) Out of

which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((+))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1). These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((+))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) 100 percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed as follows:

(a) 4.3366 percent shall be distributed to cities and towns in accordance with RCW 46.68.110(6).

(b) 4.3366 percent shall be distributed to counties in accordance with RCW 46.68.120.

(c) 91.3268 percent shall be distributed to the motor vehicle account.

(4) 100 percent of the net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed to the motor vehicle account.

(5) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

Sec. 304. RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((1)(i))~~ shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090~~((1)(i))~~ (2)(g) shall be allocated monthly as the funds accrue to the incorporated cities and towns ~~((in the~~

~~manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to)) of the state ratably on the basis of the population as last determined by the office of financial management. Funds shall be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; ~~(and)~~~~

(5) The ~~((balance))~~ remaining ~~((to the credit of incorporated cities and towns after such deduction))~~ funds not distributed under subsection (4) of this section shall be apportioned monthly as such funds accrue among the ~~((several))~~ incorporated cities and towns within the state ratably on the basis of the population last determined by the office of financial management; ~~and~~

(6) After making the deductions under subsections (1) and (2) of this section and RCW 35.76.050, one hundred percent of the funds distributed to the cities and towns in RCW 46.68.090(3)(a) shall be allocated monthly as such funds accrue to the incorporated cities and towns of the state with populations over ten thousand persons, ratably on the basis of population as last determined by the office of financial management.

NEW SECTION. Sec. 305. A new section is added to chapter 47.26 RCW to read as follows:

As part of the matching funds requirements under RCW 47.26.270, the transportation improvement board shall require a city or town receiving funds under RCW 46.68.110(6) to use a portion of these funds, as determined by the board by rule, for the purpose of matching a portion of the corridor grant money allocated to the city or town by the board under this chapter.

Sec. 306. RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2))~~ (4)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2))~~ (4)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2))~~ (4)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2))~~ (4)(e).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2))~~ (4)(f).

Sec. 307. RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((1))~~ if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 308. RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((1))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

Sec. 309. RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW) FEE	
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate in cents per gallon as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

Sec. 310. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, ~~((1990))~~ 2001, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than five percent may be expended for information programs under this chapter;

(ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;

(iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The expenditures in this subsection (1)(d) shall be calculated on the motor vehicle fuel tax in effect January 1, 1990, until this subsection (1)(d) is amended to reflect the findings of the recreational fuel use study provided in section 346, chapter 8, Laws of 2001 2nd sp. sess. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 311. RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, (~~1990~~) 2001.

Sec. 312. RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, (~~1990~~) 2001, to the recreation resource account and the remainder to the motor vehicle fund.

PART IV - SALES AND USE TAXES

Sec. 401. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2002, there is levied and collected an additional tax of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The revenue collected under subsection (3) of this section must be deposited into the multimodal transportation account under RCW 47.66.070.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 402. RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

Sec. 403. RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and

account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) will be deposited in the multimodal transportation account under RCW 47.66.070.

NEW SECTION. Sec. 404. A new section is added to chapter 43.135 RCW to read as follows:

A transfer from the general fund to the multimodal transportation account under section 405 of this act for taxes collected under chapters 82.08 and 82.12 RCW on new construction projects within the improvement program in RCW 47.05.030(2), does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

NEW SECTION. Sec. 405. A new section is added to chapter 82.32 RCW to read as follows:

(1) Effective for taxes collected in fiscal year 2006, the tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall be transferred from the general fund to the multimodal transportation account once each year as described by subsection (3) of this section.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities conducting construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall report to the department by August 1st of each year the amount of state sales or use tax attributable to the projects identified in this section from the previous fiscal year for purposes of transfer to the multimodal transportation account. The department shall notify the state treasurer of the amount of the transfer by September 30th of each year.

PART V - MISCELLANEOUS

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. Part headings used in this act do not constitute any part of the law."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 44.40.010, 44.40.013, 44.40.015, 44.40.020, 44.40.025, 44.40.030, 44.40.040,

44.40.070, 44.40.090, 44.40.100, 44.40.140, 44.40.150, 46.16.0621, 46.16.070, 46.68.035, 46.16.071, 82.38.030, 82.38.035, 82.38.045, 82.38.047, 82.38.075, 46.09.170, 46.10.170, 79A.25.070, 82.08.020, 82.12.020, and 82.12.045; reenacting and amending RCW 82.36.025, 46.68.090, and 46.68.110; adding new sections to chapter 44.40 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.26 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; and creating a new section."

and the same is herewith transmitted.

Tony M. Cook, Secretary

MOTION

Representative Fisher moved that the House concur in the Senate amendments to Engrossed Substitute House Bill No. 2969 and advanced the bill as amended by the Senate to final passage.

Representatives Fisher, Doumit, McIntire, Jarrett and Reardon spoke in favor of the motion.

Representatives Hatfield, Mitchell, Buck, Ericksen, Campbell, Dunshee, Clements, Boldt, Armstrong Mastin spoke against the motion.

An electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 2969 and advanced the bill as amended by the Senate to final passage.

ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 2969 and advanced the bill as amended by the Senate to final passage, and the motion was not adopted by the following vote: Yeas - 34, Nays - 64, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Berkey, Chase, Cody, Cooper, Darneille, Dickerson, Doumit, Dunn, Edwards, Fisher, Fromhold, Hankins, Hunt, Jarrett, Kagi, Kenney, Kessler, Lysen, McDermott, McIntire, Murray, O'Brien, Pflug, Reardon, Romero, Schmidt, Schual-Berke, Sommers, Sullivan, Tokuda, Upthegrove, and Veloria - 34.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Conway, Cox, Crouse, DeBolt, Delvin, Dunshee, Eickmeyer, Ericksen, Esser, Gombosky, Grant, Haigh, Hatfield, Holmquist, Hurst, Jackley, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Nixon, Ogden, Orcutt, Pearson, Quall, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Simpson, Skinner, Sump, Talcott, Van Luven, Wood, Woods, and Mr. Speaker - 64.

There being no objection, the House refused to concur in the Senate Amendment to Engrossed Substitute House Bill No. 2969 and asked the Senate to recede therefrom.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice; by request of Governor Locke)

Allowing the lottery commission to participate in a shared game lottery.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (604):

On page 3, line 10, strike "into the general fund" and insert "in equal proportions into county criminal justice assistance account under RCW 82.14.310 and the municipal criminal justice assistance account under RCW 82.14.320, for the purpose of public safety"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Doumit spoke against the adoption of the amendment.

Representative Woods demanded an electronic roll call vote and the demand was sustained.

The Speaker stated the question before the House to be adoption of amendment (604) to Engrossed Second Substitute Senate Bill No. 6560.

ROLL CALL

The Clerk called the roll on the adoption of amendment (604) to Engrossed Second Substitute Senate Bill No. 6560, and the amendment was not adopted by the following vote: Yeas - 46, Nays - 52, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 46.

Voting nay: Representatives Anderson, Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 52.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment 604 to Engrossed Second Substitute Senate Bill No. 6560.

CHERYL PFLUG, 5th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment 604 to Engrossed Second Substitute Senate Bill No. 6560.

GLENN ANDERSON, 5th District

With the consent of the House, amendment (610) was withdrawn.

Representative Bush moved the adoption of amendment (585):

On page 3, after line 33, insert the following:

"NEW SECTION. **Sec. 5.** A new section is added to chapter 67.70 RCW to read as follows:

The lottery commission shall ensure that the following statement is made in any advertising or promotion of any lottery game conducted under the direction of the commission:

"CAUTION: Participation in gambling activity may result in pathological gambling behavior causing emotional and financial harm. For help, call 1-800-547-6133."

For purposes of this section, advertising includes print media, point-of-sale advertising, electronic media, billboards, and radio advertising."

Correct the title

Representative Bush spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

The amendment was not adopted.

With the consent of the House, amendment (595) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6560.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6560 and the bill passed the House by the following vote: Yeas - 60, Nays - 38, Absent - 0, Excused - 0.

Voting yea: Representatives Alexander, Ballasiotes, Berkey, Cairnes, Campbell, Chase, Clements, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Mitchell, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Simpson, Skinner, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, Woods, and Mr. Speaker - 60.

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, McMorris, Mielke, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Sump, Talcott, and Van Luven - 38.

Engrossed Second Substitute Senate Bill No. 6560, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6835, by Senator Poulsen

Revising use tax provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Gombosky spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Senate Bill No. 6835.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6835 and the bill passed the House by the following vote: Yeas - 56, Nays - 42, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Benson, Berkey, Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker - 56.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Ballasiotes, Barlean, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, and Van Luven - 42.

Senate Bill No. 6835, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Bill No. 6835.

BEVERLY WOODS, 23rd District

SENATE BILL NO. 6383, by Senators Spanel, Carlson, Regala, Fraser, Winsley, Jacobsen, Rasmussen and McAuliffe; by request of Joint Committee on Pension Policy

Allowing a member who is at least age seventy and one-half or a member holding state elective office or directly appointed by the governor who wishes to be eligible for a retirement allowance the option of ending his or her membership in the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (618):

On page 1, line 14, before "Upon" insert "(1)"

On page 1, line 14, after "member" insert "other than a legislator"

On page 2, after line 4, insert the following:

"(2) A member who is a legislator may apply for the retirement benefit the member is otherwise entitled to, and qualify under subsection (1) of this section if the application for retirement occurs on or after January 1, 2006."

On page 2, line 11, after "term of office" insert "after January 1, 2006,"

On page 8, line 12, after "term of office" insert "after January 1, 2006,"

On page 11, line 14, before "Upon" insert "(1)"

On page 11, line 14, after "member" insert "other than a legislator"

On page 11, after line 23, insert the following:

"(2) A member who is a legislator may apply for the retirement benefit the member is otherwise entitled to, and qualify under subsection (1) of this section if the application for retirement occurs on or after January 1, 2006."

On page 12, line 28, after "(c)" strike "A" and insert "Beginning January 1, 2006, a"

On page 13, line 33, before "Upon" insert "(1)"

On page 13, line 33, after "member" insert "other than a legislator"

On page 14, after line 4, insert the following:

"(2) A who is a legislator may apply for the retirement benefit the member is otherwise entitled to, and qualify under subsection (1) of this section if the application for retirement occurs on or after January 1, 2006."

On page 15, line 12, after "(c)" strike "A" and insert "Beginning January 1, 2006, a"

Representatives Ericksen, Ballard and Mastin spoke in favor of the adoption of the amendment.

Representative Fromhold spoke against the adoption of the amendment.

There being no objection, the House deferred action on Senate Bill No. 6383, and the bill held it's place on second reading.

MESSAGES FROM THE SENATE

March 14, 2002

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 2926,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1531,
SECOND SUBSTITUTE HOUSE BILL NO. 2338,
HOUSE BILL NO. 2380,
SECOND SUBSTITUTE HOUSE BILL NO. 2403,
HOUSE BILL NO. 2425,
HOUSE BILL NO. 2444,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671,

ENGROSSED HOUSE BILL NO. 2723,
SUBSTITUTE HOUSE BILL NO. 2758,
SECOND SUBSTITUTE HOUSE BILL NO. 2867,
ENGROSSED HOUSE BILL NO. 2901,
ENGROSSED HOUSE BILL NO. 2993,
ENGROSSED HOUSE BILL NO. 3011,
HOUSE CONCURRENT RESOLUTION NO. 4427,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2846,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 8435,

and the same is herewith transmitted.

Tony M. Cook, Secretary

MESSAGE FROM THE SENATE

March 13, 2002

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE SENATE BILL NO. 5097 and asks the House to recede therefrom.

Tony M. Cook, Secretary

There being no objection, the House receded from its position and passed to final passage Substitute Senate Bill No. 5097 without the House's amendments.

Representatives Campbell, Haigh, Romero, and Talcott spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 5097.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler,

Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 98.

Substitute Senate Bill No. 5097, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED HOUSE BILL NO. 2458, by Representative Sommers; by request of Department of Social and Health Services

Authorizing the department of social and health services to establish licensing fees for adult family homes. (REVISED FOR ENGROSSED: Concerning adult family homes.)

There being no objection, the rules were suspended and Second Engrossed House Bill No. 2458 was returned to second reading for purpose of amendments.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND ENGROSSED HOUSE BILL NO. 2458, by Representative Sommers; by request of Department of Social and Health Services

Authorizing the department of social and health services to establish licensing fees for adult family homes. (REVISED FOR ENGROSSED: Concerning adult family homes.)

Representative Darneille moved the adoption of amendment (621):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.060 and 2001 c 193 s 9 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) The department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation or nonrenewal of a license; or (b) the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or any partner, officer, director, managerial employee, or owner of five percent or more if the provider has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at ~~((fifty))~~ one hundred twenty-five dollars per year for each home. A ~~((fifty))~~ one hundred twenty-five dollar processing fee shall also be charged each home when the home is initially licensed.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

NEW SECTION. Sec. 2. A new section is added to chapter 70.128 RCW to read as follows:

No department employee shall discriminate or retaliate in any manner against an adult family home operator or employee on the basis or for the reason that the operator or employee made a complaint against the department or any of its employees."

Correct the title.

Representatives Darneille and Campbell spoke in favor of the adoption of the amendment.

Representative Mastin spoke against the adoption of the amendment.

The amendment was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

Representative Mastin spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Engrossed House Bill No. 2458.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 2458 and the bill passed the House by the following vote: Yeas - 54, Nays - 44, Absent - 0, Excused - 0.

Voting yea: Representatives Ballasiotes, Benson, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker - 54.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Barlean, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 44.

Second Engrossed House Bill No. 2458, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 2926,

SENATE AMENDMENTS TO HOUSE BILL

March 14, 2002

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2697, with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

- (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
- (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- (3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.
- (4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
- (5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.
- (6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- (7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- (8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. (~~Encourage the retention of~~) Retain open space (~~and development of~~), enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

Sec. 2. RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection. An industrial area is not required to be principally designed to serve the existing and projected rural population;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by

the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdiction boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program

required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and amending RCW 36.70A.020 and 36.70A.070."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Second Substitute House Bill No. 2697 and advanced the bill as amended by the Senate to final passage.

Representatives Dunshee and Reardon spoke in favor of the passage of the bill.

Representatives DeBolt and Mulliken spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2697 and the bill passed the House by the following vote: Yeas - 90, Nays - 8, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 90.

Voting nay: Representatives Boldt, Chandler, Dunn, Lisk, Mielke, Orcutt, Sehlin, and Skinner - 8.

Second Substitute House Bill No. 2697, as amended by the Senate having received the constitutional majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 14, 2002

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2807, and under suspension of the rules returned SUBSTITUTE HOUSE BILL NO. 2807 to second reading for purpose of amendment. The Senate further adopted amendment the following amendment and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington promise scholarship program for academically successful high school graduates from low and middle-income families. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

NEW SECTION. Sec. 2. The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW and students participating in home-based instruction as provided in chapter 28A.200 RCW who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, and students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test I score of twelve

hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

NEW SECTION. Sec. 3. The higher education coordinating board, with the assistance of the office of the superintendent of public instruction, shall implement and administer the Washington promise scholarship program described in section 2 of this act as follows:

(1) The first scholarships shall be awarded to eligible students enrolling in postsecondary education in the 2002-03 academic year.

(2) The office of the superintendent of public instruction shall provide information to the higher education coordinating board that is necessary for implementation of the program. The higher education coordinating board and the office of the superintendent of public instruction shall jointly establish a timeline and procedures necessary for accurate and timely data reporting.

(a) For students meeting the academic eligibility criteria as provided in section 2(1)(a) of this act, the office of the superintendent of public instruction shall provide the higher education coordinating board with student names, addresses, birth dates, and unique numeric identifiers.

(b) Public and approved private high schools under chapter 28A.195 RCW shall provide requested information necessary for implementation of the program to the office of the superintendent of public instruction within the established timeline.

(c) All student data is confidential and may be used solely for the purposes of providing scholarships to eligible students.

(3) The higher education coordinating board may adopt rules to implement this chapter.

NEW SECTION. Sec. 4. The Washington promise scholarship program shall not be funded at the expense of the state need grant program as defined in RCW 28B.10.800 through 28B.10.824. In administering the state need grant and promise scholarship programs, the higher education

coordinating board shall first ensure that eligibility for state need grant recipients is at least fifty-five percent of state median family income.

NEW SECTION. Sec. 5. This chapter shall not be construed to change current state requirements for students who received home-based instruction under chapter 28A.200 RCW.

NEW SECTION. Sec. 6. (1) The Washington promise scholarship account is created in the custody of the state treasurer. The account shall be a nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington promise scholarship program, private contributions to the program, and refunds of Washington promise scholarships.

(3) Expenditures from the account shall be used for scholarships to eligible students.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

Sec. 7. RCW 43.79A.040 and 2001 c 201 s 4 and 2001 c 184 s 4 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high

occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. **Sec. 9.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "scholarships;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Substitute House Bill No. 2807 and advanced the bill as amended by the Senate to final passage.

Representatives Kenney and Cox spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2807 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 97.

Voting nay: Representative Lisk - 1.

Substitute House Bill No. 2807, as amended by the Senate having received the constitutional majority, was declared passed.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5965, by Senate Committee on Ways & Means (originally sponsored by Senators Spanel, Gardner, Kohl-Welles, Kline and Rasmussen)

Authorizing local option real estate excise taxes for affordable housing purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Morris spoke in favor of passage of the bill.

Representatives Cairnes and Mulliken spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5965.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5965 and the bill passed the House by the following vote: Yeas - 50, Nays - 48, Absent - 0, Excused - 0.

Voting yea: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker - 50.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, and Woods - 48.

Second Substitute Senate Bill No. 5965, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6008, by Senate Committee on Ways & Means (originally sponsored by Senators Eide, Finkbeiner, Haugen, Kline, Winsley and McAuliffe; by request of Office of Financial Management)

Providing commute trip reduction incentives.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6008.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6008 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson,

Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Clements, Delvin, Lisk, and Mulliken - 5.

Engrossed Substitute Senate Bill No. 6008, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 2846,

POINT OF PERSONAL PRIVILEGE

Representative Kessler took a moment to recognize the three retiring members of the Democrat caucus: Representatives Val Ogden, Ruth Fisher and Tip Tokuda.

POINT OF PERSONAL PRIVILEGE

Representative Ballard took a moment to recognize the two retiring members of the Republican caucus: Representatives Ida Ballasiotes and Mary Ann Mitchell.

POINT OF PERSONAL PRIVILEGE

Representatives Kessler and Ballard presented Speaker Chopp with the members' tribute to the Speaker: a framed photograph of the Speaker doing that which he loved: barbequing.

MESSAGES FROM THE SENATE

March 14, 2002

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6540,

and the same is herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 1646,
SUBSTITUTE HOUSE BILL NO. 2926,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 6396,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,
SENATE BILL NO. 6818,
SENATE BILL NO. 6835,

and the same are herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SUBSTITUTE SENATE BILL NO. 5097,
SENATE BILL NO. 6396,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,
SENATE BILL NO. 6818,
SENATE BILL NO. 6835,

SENATE AMENDMENTS TO HOUSE BILL

March 14, 2002

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451, with the following amendment:

Strike everything after the enacting clause and insert the following:

"2001-03 BIENNIUM

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2001 2nd sp.s. c 14 s 102 (uncodified) is amended to read as follows:
FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM
Motor Vehicle Account--State Appropriation \$ ~~((1,676,000))~~

488,000

~~((The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$1,188,000 of the motor vehicle account--state appropriation is provided for the implementation of House Bill No. 2269 in the form enacted by the legislature. If House Bill No. 2269 is not enacted in the form passed by the legislature by July 31, 2001, this funding will lapse.))~~

TRANSPORTATION AGENCIES

NEW SECTION. **Sec. 201.** A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD--OPERATING PROGRAM
Rural Arterial Trust Account--State Appropriation \$ 741,000
Motor Vehicle Account--State Appropriation \$ 1,886,000
County Arterial Preservation Account--State Appropriation \$ 700,000
TOTAL APPROPRIATION \$ 3,327,000

Sec. 202. 2001 2nd sp.s. c 14 s 203 (uncodified) is amended to read as follows:
FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL PROGRAM
Rural Arterial Trust Account--State Appropriation \$ ~~((50,182,000))~~

56,965,000

Motor Vehicle Account--State Appropriation \$ ~~((1,887,000))~~

368,000

County Arterial Preservation Account--State Appropriation \$ ~~((28,551,000))~~

28,681,000

TOTAL APPROPRIATION \$ ((80,620,000))

86,014,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((It is the intent of the legislature that the county road administration board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.~~

~~(1) \$1,540,000 of the motor vehicle account--state appropriation, \$870,000 of the county arterial preservation account--state appropriation, and \$917,000 of the rural arterial trust account--state appropriation are provided for the operations program. Of the motor vehicle account--state appropriation, \$368,000 is provided for county ferries as set forth in RCW 47.56.724(4).~~

~~(2) \$347,000 of the motor vehicle account--state appropriation, \$27,681,000 of the county arterial preservation account--state appropriation, and \$49,265,000 of the rural arterial trust account--state appropriation are provided for the capital program.)~~

\$368,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).

NEW SECTION. Sec. 203. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD--OPERATING PROGRAM

Urban Arterial Trust Account--State Appropriation \$ 1,552,000

Transportation Improvement Account--State Appropriation \$ 1,551,000

TOTAL APPROPRIATION \$ 3,103,000

Sec. 204. 2001 2nd sp.s. c 14 s 204 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL PROGRAM

Urban Arterial Trust Account--State Appropriation \$ ((94,690,000))

105,622,000

Transportation Improvement Account--State Appropriation \$ ((418,605,000))

130,456,000

TOTAL APPROPRIATION \$ ((213,295,000))

236,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((It is the intent of the legislature that the transportation improvement board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.~~

~~(1) \$1,551,000 of the transportation improvement account--state appropriation and \$1,552,000 of the urban arterial trust account--state appropriation are provided for the operations program.~~

~~(2) \$117,054,000 of the transportation improvement account--state appropriation and \$93,138,000 of the urban arterial trust account--state appropriation are provided for the capital program.~~

~~(3))~~ The transportation improvement account--state appropriation includes ((\$47,325,000)) \$34,030,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in-lieu of bond proceeds for any part of the state appropriation.

Sec. 205. 2001 2nd sp.s. c 14 s 205 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation \$ 3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

(4) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

(5) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

(6) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

(a) The costs and benefits of providing such services;

(b) The impact of such service on ridership on the areawide system and on any regional systems;

(c) Funding options for supplemental services; and

(d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

(7) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

(8) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

(9) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

Sec. 206. 2001 2nd sp.s. c 14 s 207 (uncodified) is amended to read as follows:
FOR THE TRANSPORTATION COMMISSION
Motor Vehicle Account--State Appropriation \$ 773,000

Sec. 207. 2001 2nd sp.s. c 14 s 209 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU
State Patrol Highway Account--State Appropriation \$ ((~~162,081,000~~)) 164,147,000
State Patrol Highway Account--Federal Appropriation \$ ((~~7,084,000~~)) 7,278,000
State Patrol Highway Account--Private/Local Appropriation \$ 169,000
TOTAL APPROPRIATION \$ ((~~169,334,000~~)) 171,594,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers-Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

Sec. 208. 2001 2nd sp.s. c 14 s 210 (uncodified) is amended to read as follows:
FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU
Multimodal Transportation Account--State Appropriation \$ 5,247,000

State Patrol Highway Account--State Appropriation \$ ((69,960,000))	<u>71,736,000</u>
State Patrol Highway Account--Private/Local Appropriation \$ 735,000	
TOTAL APPROPRIATION \$ ((70,695,000))	<u>77,718,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

(4) The Washington state patrol shall contract with an independent consulting firm to develop a cost allocation system to identify which agency activities qualify as a "highway purpose" under Article II, section 40 of the state Constitution. The consulting firm shall present findings and recommendations to the legislative transportation committee during the 2002 legislative interim. The legislative transportation committee shall approve or reject those findings and recommendations.

(5) The final cost allocation system and processes must be utilized to develop the Washington state patrol's request budget for 2003-05.

NEW SECTION. Sec. 209. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

Multimodal Transportation Account--State Appropriation \$ 5,088,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced: \$5,088,000 of the multimodal transportation account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

Sec. 210. 2001 2nd sp.s. c 14 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$ ((~~7,000~~))

	<u>3,000</u>
Motorcycle Safety Education Account--State Appropriation \$ ((114,000))	

	<u>88,000</u>
Wildlife Account--State Appropriation \$ ((89,000))	

	<u>81,000</u>
Highway Safety Account--State Appropriation \$ ((7,740,000))	

	<u>7,724,000</u>
Highway Safety Account--Federal Appropriation \$ 55,000	

Motor Vehicle Account--State Appropriation \$ ((4,230,000))	<u>4,400,000</u>
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Licensing Services Account--State Appropriation \$ ((123,000))	<u>173,000</u>
TOTAL APPROPRIATION \$ ((12,303,000))	<u>12,524,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 211. 2001 2nd sp.s. c 14 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS

Marine Fuel Tax Refund Account--State Appropriation \$ 2,000	
Motorcycle Safety Education Account--State Appropriation \$ ((50,000))	<u>13,000</u>
Wildlife Account--State Appropriation \$ 34,000	
Highway Safety Account--State Appropriation \$ ((5,655,000))	<u>5,735,000</u>
Highway Safety Account--Federal Appropriation \$ 31,000	
Motor Vehicle Account--State Appropriation \$ ((3,304,000))	<u>3,695,000</u>
Licensing Services Account--State Appropriation \$ ((292,000))	<u>213,000</u>
TOTAL APPROPRIATION \$ ((9,337,000))	<u>9,723,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No.

6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 212. 2001 2nd sp.s. c 14 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES

Marine Fuel Tax Refund Account--State Appropriation \$ 26,000

Wildlife Account--State Appropriation \$ 578,000

Motor Vehicle Account--State Appropriation \$ ~~((57,043,000))~~

58,191,000

Licensing Services Account--State Appropriation \$ ~~((3,123,000))~~

4,240,000

TOTAL APPROPRIATION \$ ~~((60,770,000))~~

63,035,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 213. 2001 2nd sp.s. c 14 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES

Motorcycle Safety Education Account--State Appropriation \$ ((2,223,000))	<u>2,573,000</u>
Highway Safety Account--State Appropriation \$ ((81,366,000))	<u>82,175,000</u>
Highway Safety Account--Federal Appropriation \$ 788,000	
TOTAL APPROPRIATION \$ ((83,589,000))	<u>85,536,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 214. 2001 2nd sp.s. c 14 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$ ((50,649,000))	<u>50,644,000</u>
Motor Vehicle Account--Federal Appropriation \$ 400,000	
TOTAL APPROPRIATION \$ ((51,049,000))	<u>51,044,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$3,296,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6188.

Sec. 215. 2001 2nd sp.s. c 14 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$ ((4,852,000))	<u>5,349,000</u>
Aircraft Search and Rescue Safety and Education Account--State Appropriation \$ 160,000	
TOTAL APPROPRIATION \$ ((5,012,000))	<u>5,509,000</u>

Sec. 216. 2001 2nd sp.s. c 14 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Motor Vehicle Account--State Appropriation \$ ((508,936,000))	417,472,000
Motor Vehicle Account--Federal Appropriation \$ ((219,538,000))	230,929,000
Motor Vehicle Account--Private/Local Appropriation \$ ((40,904,000))	48,872,000
Tacoma Narrows Toll Bridge Account--State Appropriation \$ 839,000,000	
Special Category C Account--State Appropriation \$ ((72,608,000))	49,608,000
(Multimodal Transportation Account--State Appropriation \$ 4,880,000)	
TOTAL APPROPRIATION \$ ((846,866,000))	1,585,881,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((72,608,000))~~ \$49,608,000 includes ~~((63,500,000))~~ \$41,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes ~~((391,637,000))~~ \$348,364,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~(4) ((At least \$554,714,000 of the total appropriation is provided for the construction phase of the improvement program-~~

~~(5))~~ \$4,880,000 of the ~~((multimodal transportation))~~ motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

~~((6))~~ (5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

(7) The Tacoma narrows toll bridge account--state appropriation includes \$800,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(8) Upon completion of the Vancouver high-occupancy vehicle lanes pilot project that began on October 28, 2001, and concludes October 28, 2002, the department of transportation may only proceed with future high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon, when vehicle spaces at park and ride lots within the county are

two and one-half times the capacity in existence on January 1, 2002, or if the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes.

Sec. 217. 2001 2nd sp.s. c 14 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--OPERATING

Motor Vehicle Account--State Appropriation \$ ~~((1,153,000))~~

1,448,000

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the motor vehicle account--state appropriation is provided solely for a study of private-public partnerships in transportation. The department of transportation shall provide staff support to a legislative oversight committee that will manage a study of public-private partnerships in transportation. The legislative oversight committee will consist of three members from each caucus in each house of the legislature, appointed by the leadership of the legislators' respective caucus. The legislative oversight committee shall analyze and make recommendations on: (1) The barriers that prevent the private sector from providing transportation services, which could include ferry, bus, or monorail; (2) the use of public-private partnerships nationally and the experiences of other states in using public-private partnerships; (3) the public-private opportunities for transportation projects in Washington; and (4) the advantages and disadvantages of the financing options available for public-private partnerships. The legislative oversight committee shall report its findings and recommendations to the legislature by December 1, 2003.

Sec. 218. 2001 2nd sp.s. c 14 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation \$ ~~((275,394,000))~~

275,380,000

Motor Vehicle Account--Federal Appropriation \$ 512,000

Motor Vehicle Account--Private/Local Appropriation \$ 4,067,000

TOTAL APPROPRIATION \$ ~~((279,973,000))~~

279,959,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

Sec. 219. 2001 2nd sp.s. c 14 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Motor Vehicle Account--State Appropriation \$ ~~((90,760,000))~~

139,334,000

Motor Vehicle Account--Federal Appropriation \$ ~~((318,795,000))~~

341,124,000

Motor Vehicle Account--Private/Local Appropriation \$ ~~((8,717,000))~~

7,202,000

Multimodal Transportation Account--State Appropriation \$ ~~((64,218,000))~~

14,000,000

Multimodal Transportation Account--Federal Appropriation \$ ((95,682,000))	56,000,000
TOTAL APPROPRIATION \$ ((578,172,000))	<u>557,660,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund preservation work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) ~~The motor vehicle account--state appropriation includes ((\$6,524,000 for earthquake repairs and to match federal emergency relief funds. This amount includes)) \$3,750,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.~~

(3) The motor vehicle account--state appropriation includes \$9,183,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department in lieu of bond proceeds for any part of the state appropriation.

(4) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

~~((4) \$471,763,000 of the total appropriation is provided for the construction phase of the preservation program.))~~

(5) The motor vehicle account--federal appropriation and the multimodal transportation account--federal appropriation are transferable between each other to ensure efficient funds management and program delivery.

(6) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(7) The department of transportation, with approval of the transportation commission, shall expend up to \$3,000,000 of the motor vehicle account--state appropriation on the incident response program. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures.

(8) The department of transportation, with approval of the transportation commission, shall expend funds appropriated under this section on the Alaska Way viaduct. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures.

Sec. 220. 2001 2nd sp.s. c 14 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation \$ 32,402,000

Motor Vehicle Account--Private/Local Appropriation \$ 125,000

TOTAL APPROPRIATION \$ 32,527,000

The appropriations in this section are subject to the following conditions and limitations: If Senate Bill No. 5949 is enacted in the form passed by the legislature, \$518,000 of the motor vehicle account--state appropriation shall lapse.

Sec. 221. 2001 2nd sp.s. c 14 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

State Patrol Highway Account--State Appropriation \$ 926,000

Motor Vehicle Account--State Appropriation \$ ~~((94,632,000))~~

95,755,000

Motor Vehicle Account--Federal Appropriation \$ 2,654,000

Puget Sound Ferry Operations Account--State Appropriation \$ 6,642,000

Multimodal Transportation Account--State Appropriation \$ ~~((2,082,000))~~

1,397,000

TOTAL APPROPRIATION \$ ~~((106,936,000))~~

107,374,000

The appropriations in this section are subject to the following conditions and limitations:

\$67,000 of the motor vehicle account--state appropriation is provided solely for the department of transportation to work jointly with the department of natural resources, the military department, and the Washington state patrol, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system (GIS) database to illustrate locations and specifications of statewide radio and microwave towers.

Sec. 222. 2001 2nd sp.s. c 14 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation \$ ~~((18,250,000))~~

11,496,000

Motor Vehicle Account--Federal Appropriation \$ 18,800,000

Multimodal Transportation Account--State Appropriation \$ 987,000

Multimodal Transportation Account--Federal Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ ~~((40,037,000))~~

33,283,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

~~((1))~~ The motor vehicle account--state appropriation includes \$1,000,000 distributed under RCW 46.68.110(2):

~~((a))~~ (1) \$500,000 of the distribution under RCW 46.68.110(2) is to be used solely by the department of transportation to collect and enter collision reports into the statewide collision reporting system for local roadway planning and safety analysis.

~~((b))~~ (2) \$500,000 of the distribution under RCW 46.68.110(2) is provided solely to the department of transportation for the Washington strategic freight transportation analysis. The department shall work with the transportation research center to conduct an origin and destination study to determine the impacts of trade-related truck traffic and other truck impacts on the highway system. The department may also conduct other research elements, including, but not limited to, freight corridor identification, strategic resource access, and road network review.

~~((2))~~ ~~\$6,754,000 of the motor vehicle account--state appropriation is provided for the implementation of Senate Bill No. 5749 in the form enacted by the legislature. If Senate Bill No. 5749 is not enacted in the form passed by the legislature by July 31, 2001, this funding shall lapse.)~~

Sec. 223. 2001 2nd sp.s. c 14 s 226 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES
 Motor Vehicle Account--State Appropriation \$ 464,000
 Puget Sound Ferry Operations--State Appropriation \$ 154,000
 (2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR
 Motor Vehicle Account--State Appropriation \$ ((731,000)) 713,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES
 Motor Vehicle Account--State Appropriation \$ ((4,128,000)) 4,047,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL
 Motor Vehicle Account--State Appropriation \$ ((2,240,000)) 2,237,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION
 Motor Vehicle Account--State Appropriation \$ ((13,892,000)) 28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$ 4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
 Motor Vehicle Account--State Appropriation \$ 251,000
 (7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE
 Motor Vehicle Account--State Appropriation \$ 1,547,000
 (8) FOR ARCHIVES AND RECORDS MANAGEMENT
 Motor Vehicle Account--State Appropriation \$ ((469,000)) 457,000

TOTAL APPROPRIATION \$ ((28,080,000)) 42,829,000

Sec. 224. 2001 2nd sp.s. c 14 s 227 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V
 Multimodal Transportation Account--State Appropriation \$ ((11,160,000)) 10,960,000

Multimodal Transportation Account--Federal Appropriation \$ 3,074,000
 Multimodal Transportation Account-- Private/Local Appropriation \$ 205,000
 TOTAL APPROPRIATION \$ ((14,439,000)) 14,239,000

Sec. 225. 2001 2nd sp.s. c 14 s 228 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W
 Motor Vehicle Account--State Appropriation \$ ((144,404,000))

	<u>134,390,000</u>
Motor Vehicle Account--Federal Appropriation \$ 37,472,000	
Passenger Ferry Account--State Appropriation \$ 1,500,000	
Passenger Ferry Account--Federal Appropriation \$ 4,000,000	
TOTAL APPROPRIATION \$ ((187,376,000))	<u>177,362,000</u>

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

(3) The department shall provide staff support to a legislative oversight committee that will manage a study of the Eagle Harbor maintenance facility. The legislative oversight committee shall consist of two members from each caucus in each house of the legislature, appointed by the leadership of the members' respective caucus. The department shall issue a request for proposals on behalf of the legislative oversight committee for an outside consulting firm to conduct a study on the preservation, replacement, or supplementation of the Eagle Harbor maintenance facility. The study must analyze: (a) The costs and benefits to preserve and maintain or relocate the facility; (b) the impact of Eagle Harbor employment on the local community and Kitsap county; and (c) a recommendation on future investment in the Eagle Harbor maintenance facility or possible alternatives. The contractor and the legislative oversight committee must report back to the legislature's transportation committees no later than December 10, 2002.

Sec. 226. 2001 2nd sp.s. c 14 s 229 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X
 Puget Sound Ferry Operations Account--State Appropriation \$ ~~((321,673,000))~~

311,312,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ~~((46,881,000))~~ \$35,159,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed ~~((206,696,000))~~ \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of

financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

~~(5) ((The legislature recognizes that projected revenues to the Puget Sound ferry operating account for the 2001-2003 biennium may be up to \$30,000,000 less than what is required to fund the appropriation provided in this section. The legislature intends to fully evaluate the extent of the shortfall and make a supplemental appropriation during the 2002 legislative session.))~~ The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

Sec. 227. 2001 2nd sp.s. c 14 s 230 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING
Multimodal Transportation Account--State Appropriation \$ ((~~32,704,000~~))
33,001,000

Sec. 228. 2001 2nd sp.s. c 14 s 231 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL
Essential Rail Assistance Account--State Appropriation \$ ((~~200,000~~))

600,000

Multimodal Transportation Account--State Appropriation \$ ((~~41,610,000~~))

10,710,000

Multimodal Transportation Account--Federal Appropriation \$ 9,630,000

Washington Fruit Express Account--State Appropriation \$ 500,000
TOTAL APPROPRIATION \$ ((21,940,000))

21,440,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the Grays Harbor loop project.

(2) The entire Washington fruit express account is provided solely to promote the shipment of a variety of agricultural products, including, but not limited to, apples, pears, and potatoes.

Sec. 229. 2001 2nd sp.s. c 14 s 232 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation \$ ((6,231,000))

6,383,000

Motor Vehicle Account--Federal Appropriation \$ 2,569,000

Multimodal Transportation Account--State Appropriation \$ 150,000

TOTAL APPROPRIATION \$ ((8,950,000))

9,102,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$150,000 distributed under RCW 46.68.110(2) that is provided to the Whatcom county council of governments for the sole purpose of developing and implementing a model of regional transportation governance. This model shall be developed in accordance with Recommendation 6 of the Blue Ribbon Commission on Transportation's final report.

The council shall develop a model that can be used in other parts of the state and shall report to the transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2002.

(2) \$250,000 of the motor vehicle account--state appropriation is provided solely for a study of concurrency issues in urban areas marked by multiple contiguous jurisdictions. The study, lead by the city of Bellevue, will focus on the jurisdictions of Bellevue, Kirkland, Issaquah, and Redmond and will look at existing and unused methodologies for including development in neighboring jurisdictions in concurrency calculations. The study will also investigate what changes in state and local laws are needed in order to provide a more effective way of dealing with concurrency issues. By November 1, 2003, a report of the findings will be made to the transportation committees of the legislature. The appropriation in this subsection shall lapse unless the participating cities provide \$100,000 for the study. To the extent possible, state funding for this subsection shall utilize funds allocated under RCW 46.68.110(2).

(3) Up to \$500,000 of the motor vehicle account--state appropriation is provided solely for the study of alternatives for repairing or replacing the Seattle sea wall. The department's expenditure of funds provided in this subsection may not exceed the matching contribution provided by the city of Seattle for the study.

Sec. 230. 2001 2nd sp.s. c 14 s 233 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Motor Vehicle Account--State Appropriation \$ ((77,371,000))

77,221,000

Highway Infrastructure Account--State Appropriation \$ 234,000

Highway Infrastructure Account--Federal Appropriation \$ 1,500,000

Urban Arterial Trust Account--State Appropriation \$ ((4,674,000))

	4,332,000
Multimodal Transportation Account--State Appropriation \$ ((10,150,000))	
	<u>10,300,000</u>
TOTAL APPROPRIATION \$ ((93,929,000))	
	<u>93,587,000</u>

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((2))~~ (1) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

~~((3))~~ (2) The motor vehicle account--state appropriation includes ~~((12,000,000))~~ \$46,090,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 in addition to \$16,420,000 in unexpended proceeds from the January 2001 sale. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~((4))~~ (3) \$4,159,000 of the motor vehicle account--state appropriation is provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division.

~~((5))~~ (4) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program.

(5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 2001 2nd sp.s. c 14 s 301 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation \$ 780,000

Motor Vehicle Account--State Appropriation \$ ~~((2,705,000))~~

TOTAL APPROPRIATION \$ ~~((3,485,000))~~

1,830,000

2,610,000

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2001 2nd sp.s. c 14 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation \$ ~~((207,900,000))~~

Ferry Bond Retirement Account Appropriation \$ ~~((48,675,000))~~

208,206,000

	<u>52,473,000</u>
Transportation Improvement Board Bond Retirement Account--State Appropriation \$ 40,856,000	
Motor Vehicle Account--State Appropriation \$ ((4,537,000))	
	<u>4,588,000</u>
Special Category C Account--State Appropriation \$ ((635,000))	
	<u>631,000</u>
Transportation Improvement Account--State Appropriation \$ ((473,000))	
	<u>340,000</u>
TOTAL APPROPRIATION \$ ((303,076,000))	
	<u>307,094,000</u>

Sec. 402. 2001 2nd sp.s. c 14 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation \$ ((450,000))	
	<u>459,000</u>
Special Category C Account Appropriation \$ ((63,000))	
	<u>41,000</u>
Transportation Improvement Account--State Appropriation \$ ((47,000))	
	<u>34,000</u>
TOTAL APPROPRIATION \$ ((560,000))	
	<u>534,000</u>

Sec. 403. 2001 2nd sp.s. c 14 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

((Motor Vehicle Account Appropriation for motor vehicle fuel tax refunds and distributions \$ 458,895,000))	
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$ ((428,546,000))	
	<u>428,981,000</u>
((Motor Vehicle Account Appropriation for license, permit, and fee distribution to other accounts \$ 349,936,000))	

Sec. 404. 2001 2nd sp.s. c 14 s 406 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation: For transfer to the Motor Vehicle Fund--State \$ ((1,135,000))	
	<u>1,344,000</u>

The department of transportation shall only transfer funds provided under subsection (1) of this section on an as-needed basis.

(2) Public Transportation Systems Account--State Appropriation: For transfer to the Multimodal Transportation Account--State \$ 1,911,000	
(3) State Patrol Highway Account--State Appropriation: For transfer to the Motor Vehicle Account \$ ((38,657,000))	
	<u>48,657,000</u>
(4) Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers \$ 453,279,000	
(5) Motor Vehicle Account--State Appropriation: For license, permit, and fee transfers to other accounts \$ 350,669,000	
(6) Urban Arterial Trust Account--State Appropriation: For transfer of excess City Hardship Assistance Program revenues to cities \$ 1,500,000	

(7) Highway Safety Account--State Appropriation: For transfer to the multimodal transportation account \$ 20,000,000

(8) Motor Vehicle Account--State Appropriation: For transfer to the Tacoma Narrows toll bridge account \$ 839,000,000

(9) Highway Safety Account--State Appropriation: For transfer to the motor vehicle account--state \$ 5,000,000

~~((If House Bill No. 2216 or Senate Bill No. 5078 is enacted in the form passed by the legislature, the \$38,737,000 transfer from the state patrol highway account state to the motor vehicle account is null and void. If neither House Bill No. 2216 nor Senate Bill No. 5078 is enacted in the form passed by the legislature, the state treasurer shall transfer funds from the state patrol highway account to the motor vehicle account on a quarterly basis.))~~ (1) If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.

(2) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

Sec. 405. 2001 2nd sp.s. c 14 s 407 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS

(1) Motor Vehicle Fund--State Appropriation:
For transfer to Puget Sound Ferry Operations Account \$ ~~((27,000,000))~~

38,300,000

(2) Advanced Right of Way Revolving Account
Appropriation: For transfer to the Motor Vehicle Fund \$ 15,000,000

PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS

NEW SECTION. **Sec. 501.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 502.** The following bills are necessary to implement this act: Senate Bill No. 6814 in the form enacted by the legislature.

Sec. 503. 2000 2nd sp.s. c 1 s 724 (uncodified) is amended to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGIONAL TRANSIT AUTHORITY. (1) The sum of twelve million seven hundred thousand dollars is appropriated from the general fund--state for fiscal year 2001 solely for allocation to Sound Transit regional transit authority for the King street rail maintenance facility to be built in partnership with Amtrak. The appropriation in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, Sound Transit, and other participating parties that will assure that the maintenance and operation of the maintenance facility will not require state funding except for billings for maintenance of state-owned passenger trains.

(2) The sum of fifteen million dollars is appropriated from the state general fund for fiscal year 2000 solely for allocation to Sound Transit regional transit authority as a state contribution to the extension of Sounder passenger rail service to Everett.

(3) The amounts appropriated in this section constitute a transfer of local government costs under RCW 43.135.060(2).

NEW SECTION. Sec. 504. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2001 2nd sp.s. c 14 ss 102, 203, 204, 205, 206, 202, 207, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 301, 401, 402, 403, 406, and 407 (uncodified); amending 2000 2nd sp.s. c 1 s 724 (uncodified); adding new sections to 2001 2nd sp.s. c 14 (uncodified); creating a new section; making appropriations; and declaring an emergency."

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2451 and advanced the bill as amended by the Senate to final passage.

Representatives Fisher, Mitchell and Mastin spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2451 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 93.

Voting nay: Representatives Esser, Hunt, Nixon, Roach, and Ruderman - 5.

Engrossed Substitute House Bill No. 2451, as amended by the Senate having received the constitutional majority, was declared passed.

There being no objection, Engrossed Substitute Senate Bill No. 6347 was read the first time, the rules were suspended and the bill was placed on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Keiser; by request of Governor Locke)

Making transportation improvements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Mitchell spoke in favor of passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6347.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6347 and the bill passed the House by the following vote: Yeas - 78, Nays - 20, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Boldt, Buck, Cairnes, Casada, Chase, Cody, Conway, Cooper, Cox, Darneille, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, Mastin, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 78.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Bush, Campbell, Carrell, Chandler, Clements, Crouse, DeBolt, Holmquist, Lisk, McMorris, Mulliken, Orcutt, Roach, Schindler, and Sump - 20.

Engrossed Substitute Senate Bill No. 6347, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote on Engrossed Substitute Senate Bill No. 6347.

MIKE CARRELL, 28th District

SENATE AMENDMENTS TO HOUSE BILL

March 14, 2002

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969 to second reading for purpose of amendment. The Senate further adopted amendments 903, 904 and 907 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"PART I - ACCOUNTABILITY FOR TRANSPORTATION PROJECTS AND PROGRAMS

NEW SECTION. Sec. 101. It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, a transportation accountability process must be established to provide oversight on transportation projects. The legislative transportation accountability committee will replace and assume the duties and responsibilities of the legislative transportation committee and, additionally, in conjunction with an independent transportation accountability board, report to the public on how tax dollars are spent on projects funded by new transportation taxes under this act.

NEW SECTION. Sec. 102. In addition to the legislative transportation accountability committee's other responsibilities under this chapter, the committee has the following responsibilities:

- (1) Direct the department of transportation to submit a transportation accountability audit report as required under section 103 of this act;
- (2) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 103 of this act;
- (3) When necessary, make policy recommendations for improving efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms;
- (4) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures; and
- (5) Appoint members of the transportation accountability board as nominated by the governor pursuant to section 106 of this act.

NEW SECTION. Sec. 103. The department of transportation shall prepare and submit to the transportation commission once each quarter a comprehensive audit report on each transportation project funded by this act. The audit report shall be known as the "transportation accountability audit." For the purposes of this act, the audit must include the following elements:

- (1) Project status and any scope changes;
- (2) Estimated completion date and cost, noting any changes from past estimates;
- (3) Actual project expenditures as compared with projected expenditures;
- (4) Any changes in financing for each project;
- (5) Claim or change orders that result in greater than a five-percent cumulative increase in project cost, or greater than sixty days of delay;
- (6) Status of any required permits;
- (7) Mitigation efforts to relieve both traffic and environmental impacts;
- (8) Evaluation of work force effectiveness, including both state employees and contractors;
- (9) Outlook for the upcoming year, including projected accomplishments and challenges;
- (10) Copies of any accountability reports filed with the federal highway administration; and
- (11) Any other useful information the committee or commission requests.

NEW SECTION. Sec. 104. The transportation commission must review the proposed transportation accountability audit submitted by the department. After reviewing the information contained therein, the commission may request additional information or data, or ask for clarifications. The commission is prohibited from changing any of the data contained in the audit report.

After conducting its review, the commission must forward the transportation accountability audit to the legislative transportation accountability committee and the transportation accountability board.

NEW SECTION. Sec. 105. (1) Upon completion of its review under section 104 of this act, the transportation commission shall forward the transportation accountability audit to the transportation accountability board and the legislative transportation accountability committee. The transportation accountability board will accept or reject the report.

- (a) In determining whether to accept or reject the report, the board:
 - (i) Will analyze, investigate, and evaluate the data contained in the audit report;
 - (ii) May, when authorized by the legislative transportation accountability committee, contract out for planners, consultants, and other technical personnel to assist in the audit review process; and
 - (iii) May request additional information or data from the department of transportation.
- (b) As part of the evaluation process, the board may make recommendations to the legislative transportation accountability committee for efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms.

(2) After reviewing the report, the board must forward the transportation accountability audit and recommendations to the office of financial management and the legislative transportation accountability committee.

(3) The legislative transportation accountability committee must make the transportation accountability audit report available to the public.

(4) In addition to its regular staff, the legislative transportation accountability committee is authorized to contract out for planners, consultants, and other technical personnel to advise it, or the board at its request, in the performance of its duties, assist in the review of the transportation accountability audit, and to assist in other audits initiated by the committee.

(5) Staff support to the board must be provided by the legislative transportation accountability committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.

NEW SECTION. Sec. 106. (1) The transportation accountability board is created.

(2) The board will consist of no fewer than five and no more than nine members nominated by the governor, and selected by the legislative transportation accountability committee, for terms of four years, except that at least half the members initially appointed will be appointed for terms of two years. The members of the board must be chosen so the board will have experience and expertise relating to major civil engineering and construction works and facilities to include: (a) Design, estimating, contract packaging, and procurement; (b) construction means and methods and construction management and administration; (c) project finance, accounting, controls, and reporting; (d) procedures for obtaining permits and for assuring regulatory compliance; (e) dispute resolution; (f) construction work force training and safety; (g) general public administration; and (h) experience crafting and implementing environmental mitigation plans.

(3) The legislative transportation accountability committee may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

NEW SECTION. Sec. 107. (1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members. The board shall be compensated from the general appropriation for the legislative transportation accountability committee and in accordance with RCW 43.03.250.

(2) Each member of the board will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chairman. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chairman may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

NEW SECTION. Sec. 108. Sections 101 through 107 of this act are each added to chapter 44.40 RCW.

Sec. 109. RCW 44.40.010 and 1999 sp.s. c 1 s 616 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, recreated and renamed the legislative transportation committee by chapter 87, Laws of 1980, is hereby recreated and renamed the legislative transportation accountability committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation accountability committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

~~((On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.))~~

The committee shall adopt rules and procedures for its orderly operation.

Sec. 110. RCW 44.40.013 and 2001 c 259 s 5 are each amended to read as follows:

The administration of the legislative transportation accountability committee is subject to RCW 44.04.260.

Sec. 111. RCW 44.40.015 and 2001 c 259 s 6 are each amended to read as follows:

The members of the legislative transportation accountability committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation accountability committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation accountability committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation accountability committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation accountability committee staff utilization.

Sec. 112. RCW 44.40.020 and 1996 c 129 s 9 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under RCW ~~((43.51.113))~~ 79A.05.125.

Sec. 113. RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation accountability committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

Sec. 114. RCW 44.40.030 and 1982 c 227 s 17 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation accountability committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

Sec. 115. RCW 44.40.040 and 2001 c 259 s 7 are each amended to read as follows:

The members of the legislative transportation accountability committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation accountability committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

Sec. 116. RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation accountability committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

Sec. 117. RCW 44.40.090 and 2001 c 259 s 8 are each amended to read as follows:

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation accountability committee is not appointed.

Sec. 118. RCW 44.40.100 and 2001 c 259 s 9 are each amended to read as follows:

Subject to RCW 44.04.260, the legislative transportation accountability committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry

out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

Sec. 119. RCW 44.40.140 and 1983 c 212 s 2 are each amended to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation accountability committee shall review the policy of the state concerning fees imposed on nonpolluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

Sec. 120. RCW 44.40.150 and 1998 c 245 s 88 are each amended to read as follows:

(1) The legislative transportation accountability committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;
- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development and construction of transportation projects;
- (e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;
- (f) Explore alternatives for the establishment of an integrated and balanced multimodal statewide transportation system to meet the needs of the 21st century; and
- (g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation accountability committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation accountability committee in carrying out its duties under this section.

(3) The legislative transportation accountability committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

PART II - LICENSE FEES

NEW SECTION. **Sec. 201.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross weight portion of the current combined licensing fees" means the amounts listed in RCW 46.16.070, Schedule A, less twenty-five dollars and seventy-five cents, and the amounts listed in Schedule B, less twenty-five dollars and seventy-five cents and less an additional ninety dollars if the requested gross weight is over forty thousand pounds.

Sec. 202. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT SCHEDULE A SCHEDULE B

4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00
26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00
34,000 lbs.	\$ 323.00	\$ 323.00
36,000 lbs.	\$ 350.00	\$ 350.00
38,000 lbs.	\$ 384.00	\$ 384.00
40,000 lbs.	\$ 439.00	\$ 439.00
42,000 lbs.	\$ 456.00	\$ 546.00
44,000 lbs.	\$ 466.00	\$ 556.00
46,000 lbs.	\$ 501.00	\$ 591.00
48,000 lbs.	\$ 522.00	\$ 612.00
50,000 lbs.	\$ 566.00	\$ 656.00
52,000 lbs.	\$ 595.00	\$ 685.00
54,000 lbs.	\$ 642.00	\$ 732.00
56,000 lbs.	\$ 677.00	\$ 767.00
58,000 lbs.	\$ 704.00	\$ 794.00
60,000 lbs.	\$ 750.00	\$ 840.00
62,000 lbs.	\$ 804.00	\$ 894.00
64,000 lbs.	\$ 822.00	\$ 912.00
66,000 lbs.	\$ 915.00	\$ 1,005.00
68,000 lbs.	\$ 954.00	\$ 1,044.00
70,000 lbs.	\$ 1,027.00	\$ 1,117.00
72,000 lbs.	\$ 1,098.00	\$ 1,188.00
74,000 lbs.	\$ 1,193.00	\$ 1,283.00
76,000 lbs.	\$ 1,289.00	\$ 1,379.00
78,000 lbs.	\$ 1,407.00	\$ 1,497.00
80,000 lbs.	\$ 1,518.00	\$ 1,608.00
82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00

105,500 lbs. \$ 2,883.00 \$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3)(a) Beginning with all motor vehicle registrations that are due or become due on January 1, 2002, there will be paid and collected annually a fifteen percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(b) Beginning with all motor vehicle registrations that are due or become due on January 1, 2003, and thereafter, there will be paid and collected annually a thirty percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(4) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (5) The proceeds from the fees collected under ~~((subsection (1) of))~~ this section shall be distributed in accordance with RCW 46.68.035.

Sec. 203. RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The proceeds from the surcharge collected under RCW 46.16.070(3) must be deposited into the motor vehicle account.

(3) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

NEW SECTION. **Sec. 204.** A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of roadway improvement projects to facilitate freight movement.

Sec. 205. RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of

funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under

this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the freight mobility account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

PART III - FUEL TAX

Sec. 301. RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~(shall apply)~~) applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning January 1, 2002, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning January 1, 2003, an additional and cumulative motor vehicle fuel tax rate of four cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

Sec. 302. RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate (~~(computed in the manner provided in RCW 82.36.025 on each)~~) of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning January 1, 2002, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) Beginning January 1, 2003, an additional and cumulative special fuel tax rate of four cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) The tax is imposed (~~(by subsection (1) of this section is imposed)~~) when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (5) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

Sec. 303. RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (c) through (d)))~~ accordance with subsections (2), (3), and (4) of this subsection) section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

(2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this subsection.

~~((c))~~ (a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((m))~~ (3) 100 percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed as follows:

(a) 4.3366 percent shall be distributed to cities and towns in accordance with RCW 46.68.110(6).

(b) 4.3366 percent shall be distributed to counties in accordance with RCW 46.68.120.

(c) 91.3268 percent shall be distributed to the motor vehicle account.

(4) 100 percent of the net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed to the motor vehicle account.

(5) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

Sec. 304. RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(~~((1))~~(i)) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090((1)(i)) (2)(g) shall be allocated monthly as the funds accrue to the incorporated cities and towns ((in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to)) of the state ratably on the basis of the population as last determined by the office of financial management. Funds shall be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; ((and))

(5) The ~~((balance))~~ remaining ~~((to the credit of incorporated cities and towns after such deduction))~~ funds not distributed under subsection (4) of this section shall be apportioned monthly as such funds accrue among the ~~((several))~~ incorporated cities and towns within the state ratably on the basis of the population last determined by the office of financial management; and

(6) After making the deductions under subsections (1) and (2) of this section and RCW 35.76.050, one hundred percent of the funds distributed to the cities and towns in RCW 46.68.090(3)(a) shall be allocated monthly as such funds accrue to the incorporated cities and towns of the state with populations over ten thousand persons, ratably on the basis of population as last determined by the office of financial management.

NEW SECTION. Sec. 305. A new section is added to chapter 47.26 RCW to read as follows:

As part of the matching funds requirements under RCW 47.26.270, the transportation improvement board shall require a city or town receiving funds under RCW 46.68.110(6) to use a portion of these funds, as determined by the board by rule, for the purpose of matching a portion of the corridor grant money allocated to the city or town by the board under this chapter.

Sec. 306. RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2))~~ (4)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2))~~ (4)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2))~~ (4)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2))~~ (4)(e).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2))~~ (4)(f).

Sec. 307. RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((1))~~ if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 308. RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((4))~~) if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

Sec. 309. RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW) FEE

0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate in cents per gallon as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

Sec. 310. RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, ~~((1990))~~ 2001, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and

management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than five percent may be expended for information programs under this chapter;
 - (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
 - (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
 - (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;
 - (v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;
 - (b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;
 - (c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and
 - (d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The expenditures in this subsection (1)(d) shall be calculated on the motor vehicle fuel tax in effect January 1, 1990, until this subsection (1)(d) is amended to reflect the findings of the recreational fuel use study provided in section 346, chapter 8, Laws of 2001 2nd sp. sess. The funds under this subsection shall be expended in accordance with the following limitations:
 - (i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;
 - (ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;
 - (iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.
- (2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

Sec. 311. RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, ((1990)) 2001.

Sec. 312. RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax

rate under RCW 82.36.025 in effect on January 1, ~~((1990))~~ 2001, to the recreation resource account and the remainder to the motor vehicle fund.

PART IV - SALES AND USE TAXES

Sec. 401. RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning April 1, 2003, there is levied and collected an additional tax of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The revenue collected under subsection (3) of this section must be deposited into the multimodal transportation account under RCW 47.66.070.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 402. RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

Sec. 403. RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;
(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or
(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) will be deposited in the multimodal transportation account under RCW 47.66.070.

NEW SECTION. Sec. 404. A new section is added to chapter 43.135 RCW to read as follows:

A transfer from the general fund to the multimodal transportation account under section 405 of this act for taxes collected under chapters 82.08 and 82.12 RCW on new construction projects within the improvement program in RCW 47.05.030(2), does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

NEW SECTION. Sec. 405. A new section is added to chapter 82.32 RCW to read as follows:

(1) Effective for taxes collected in fiscal year 2006, the tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall be transferred from the general fund to the multimodal transportation account once each year as described by subsection (3) of this section.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities conducting construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall report to the department by August 1st of each year the amount of state sales or use tax attributable to the projects identified in this section from the previous fiscal year for purposes of transfer to the multimodal transportation account. The department shall notify the state treasurer of the amount of the transfer by September 30th of each year.

PART V - BOND AUTHORIZATION

NEW SECTION. Sec. 501. In order to provide funds necessary for the location, design, right of way, and construction of selected state and local highway improvements, there shall be issued and sold upon the request of the transportation commission a total of four billion five hundred million dollars of general obligation bonds of the state of Washington.

NEW SECTION. Sec. 502. Upon the request of the transportation commission, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 46.68.090 in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

NEW SECTION. Sec. 503. The proceeds from the sale of bonds authorized by section 501 of this act shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in section 501 of this act, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 504. Bonds issued under the authority of section 501 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of these excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of sections 501 through 506 of this act, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of section 501 of this act.

NEW SECTION. Sec. 505. Both principal and interest on the bonds issued for the purposes of section 501 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by section 501 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state,

counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

NEW SECTION. Sec. 506. Bonds issued under the authority of section 501 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

NEW SECTION. Sec. 507. For the purpose of providing funds for the planning, design, construction, reconstruction, and other necessary costs for transportation projects, including rail and passenger-only ferry projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 508. The proceeds of the sale of the bonds authorized in section 507 of this act must be deposited in the multimodal transportation account and must be used exclusively for the purposes specified in section 507 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 509. (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 507 of this act.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 507 of this act.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from the multimodal transportation account for deposit into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of section 507 of this act.

(3) If the multimodal transportation account has insufficient revenues to pay the principal and interest computed in subsection (2)(a) of this section, then the debt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 507 of this act from any additional means provided by the legislature.

(4) If at any time the multimodal transportation account has insufficient revenues to repay the bonds, the legislature may provide additional means for the payment of the bonds.

NEW SECTION. Sec. 510. (1) Bonds issued under section 507 of this act must state that they are a general obligation of the state of Washington, must pledge the full faith and credit of the state to the payment of the principal and interest, and must contain an unconditional promise to pay the principal and interest as it becomes due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. **Sec. 511.** The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in section 507 of this act, and sections 509 and 510 of this act are not deemed to provide an exclusive method for their payment.

NEW SECTION. **Sec. 512.** The bonds authorized in section 507 of this act are a legal investment for all state funds or funds under state control and for all funds of any other public body.

Sec. 513. RCW 39.42.060 and 2001 2nd sp.s. c 9 s 18 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in section 1(c) of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;
- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;
- (7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;
- (8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness;
- (9) Indebtedness incurred for the purposes identified in RCW 43.99N.020;
- (10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.98 RCW;
- (11) Indebtedness incurred for the purposes of replacing the waterproof membrane over the east plaza garage and revising related landscaping construction pursuant to RCW 43.99Q.070; ~~((and))~~
- (12) Indebtedness incurred for the purposes of the state legislative building rehabilitation, to the extent that principal and interest payments of such indebtedness are paid from the capitol building construction account pursuant to RCW 43.99Q.140(2)(b); and
- (13) Indebtedness incurred for the purposes of financing projects under section 507 of this act.

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

NEW SECTION. **Sec. 514.** Sections 501 through 512 of this act are each added to chapter 47.10 RCW.

PART VI - REFERENDUM

NEW SECTION. **Sec. 601.** (1) The secretary of state shall submit this act, except for sections 101 through 120 of this act, to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

(2) If the people ratify this act as specified under subsection (1) of this section, revenues generated shall be spent as detailed in Senate Bill No. 6347, as enacted by the legislature.

(3) Pursuant to RCW 29.79.035, the statement of subject on the ballot title shall read: "The legislature has passed House Bill No. 2969, financing transportation improvements through transportation fees and taxes." The concise description on the ballot title shall read: "This bill would improve highway capacity, public transportation, passenger and freight rail, and transportation financing accountability through increased weight fees on trucks and large vehicles, fuel excise taxes, and sales taxes on vehicles."

NEW SECTION. **Sec. 602.** If this act is not ratified by the voters by November 15, 2002, this act is null and void in its entirety, including sections 101 through 120 of this act.

NEW SECTION. **Sec. 603.** Section 601 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

PART VII - MISCELLANEOUS

NEW SECTION. **Sec. 701.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 702.** Part headings used in this act do not constitute any part of the law.

NEW SECTION. **Sec. 703.** If this act is ratified by the voters as specified in section 601 of this act, this act, except sections 401, 402, and 601 of this act, takes effect January 1, 2002.

NEW SECTION. **Sec. 704.** This act is null and void if a transportation expenditure bill based on the revenue provided in this act does not become law by December 31, 2002.

NEW SECTION. **Sec. 705.** Sections 401 and 402 of this act take effect April 1, 2003."

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 44.40.010, 44.40.013, 44.40.015, 44.40.020, 44.40.025, 44.40.030, 44.40.040, 44.40.070, 44.40.090, 44.40.100, 44.40.140, 44.40.150, 46.16.070, 46.68.035, 82.38.030, 82.38.035, 82.38.045, 82.38.047, 82.38.075, 46.09.170, 46.10.170, 79A.25.070, 82.08.020, 82.12.020, 82.12.045, and 39.42.060; reenacting and amending RCW 43.84.092, 82.36.025, 46.68.090, and 46.68.110; adding new sections to chapter 44.40 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.26 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32

RCW; adding new sections to chapter 47.10 RCW; creating new sections; providing effective dates; providing a contingent effective date; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency."

On page 36, on line 31 of the amendment, strike "101" and insert "102"

On page 37, on line 14 of the amendment, strike "101" and insert "102"

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Tony M. Cook, Secretary

There being no objection, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 2969 and advanced the bill as amended by the Senate to final passage.

Representatives Fisher and Mitchell spoke in favor of the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2969 and the bill passed the House by the following vote: Yeas - 75, Nays - 23, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Ballasiotes, Barlean, Berkey, Cairnes, Campbell, Carrell, Casada, Chase, Cody, Conway, Cooper, Darneille, Delvin, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Mielke, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker - 75.

Voting nay: Representatives Ahern, Alexander, Armstrong, Ballard, Benson, Boldt, Buck, Bush, Chandler, Clements, Cox, Crouse, DeBolt, Dunn, Holmquist, Lisk, Mastin, McMorris, Mulliken, Roach, Schindler, Schoesler, and Sump - 23.

Engrossed Substitute House Bill No. 2969, as amended by the Senate having received the constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2002-4743, by Representatives Kessler and Mastin

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2002 Regular Session of the Fifty-Seventh Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate established by law, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Fifty-Seventh Legislature, as well as any committee assembly.

House Resolution No. 4743 was adopted.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

HCR 4428 by Representatives Kessler and Mastin

Returning documents to house of origin.

HCR 4429 by Representatives Kessler and Mastin

Notifying the governor of adjournment sine die.

HCR 4430 by Representatives Kessler and Mastin

Adjourning sine die.

There being no objection, House Concurrent Resolution No. 4428 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

There being no objection, House Concurrent Resolution No. 4429 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

There being no objection, House Concurrent Resolution No. 4430 was read the first time, the rules were suspended and the concurrent resolution was placed on the second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 4428, by Representatives Kessler and Mastin

Returning documents to house of origin.

The concurrent resolution was read the second time.

House Concurrent Resolution No. 4428 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4429, by Representatives Kessler and Mastin

Notifying the governor of adjournment sine die.

The concurrent resolution was read the second time.

House Concurrent Resolution No. 4429 was adopted.

The Speaker appointed Representatives McDermott and Nixon to notify the Governor the Legislature was ready to Sine Die.

HOUSE CONCURRENT RESOLUTION NO. 4430, by Representatives Kessler and Mastin

Adjourning sine die.

The concurrent resolution was read the second time.

House Concurrent Resolution No. 4430 was adopted.

MESSAGES FROM THE SENATE

March 14, 2002

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 5965,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008,

and the same are herewith transmitted.

Tony M. Cook, Secretary

March 14, 2002

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2846,

and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE SENATE BILL NO. 5965,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008,

The committee designated to report to the Governor the Legislature was ready to Sine Die returned and gave their report.

SIGNED BY THE SPEAKER

The Speaker signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2697,
SUBSTITUTE HOUSE BILL NO. 2807,

MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4428,
HOUSE CONCURRENT RESOLUTION NO. 4429,
HOUSE CONCURRENT RESOLUTION NO. 4430,

SIGNED BY THE SPEAKER

The Speaker signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969,

MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347,
and the same is herewith transmitted.

Tony M. Cook, Secretary

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE CONCURRENT RESOLUTION NO. 4428,
HOUSE CONCURRENT RESOLUTION NO. 4429,
HOUSE CONCURRENT RESOLUTION NO. 4430,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347,

MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4428,
HOUSE CONCURRENT RESOLUTION NO. 4429,
HOUSE CONCURRENT RESOLUTION NO. 4430,

MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2697,
SUBSTITUTE HOUSE BILL NO. 2807,

and the same are herewith transmitted.

Tony M. Cook, Secretary

Under the provisions of House Concurrent Resolution No 4428, the following Senate Bills were returned to the Senate:

SUBSTITUTE SENATE BILL NO. 5028,
SECOND SUBSTITUTE SENATE BILL NO. 5078,
SECOND SUBSTITUTE SENATE BILL NO. 5104,
SUBSTITUTE SENATE BILL NO. 5107,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5134,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5162,
SENATE BILL NO. 5188,
SECOND SUBSTITUTE SENATE BILL NO. 5218,
SENATE BILL NO. 5253,
SUBSTITUTE SENATE BILL NO. 5283,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5329,
SECOND SUBSTITUTE SENATE BILL NO. 5336,
SENATE BILL NO. 5352,
SUBSTITUTE SENATE BILL NO. 5376,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5416,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5425,
SENATE BILL NO. 5426,
SENATE BILL NO. 5451,
ENGROSSED SENATE BILL NO. 5459,
SECOND SUBSTITUTE SENATE BILL NO. 5480,
SENATE BILL NO. 5488,

SECOND SUBSTITUTE SENATE BILL NO. 5506,
SENATE BILL NO. 5546,
SENATE BILL NO. 5568,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5571,
SENATE BILL NO. 5591,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5670,
SENATE BILL NO. 5683,
SENATE BILL NO. 5694,
SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5700,
SENATE BILL NO. 5739,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5770,
SENATE BILL NO. 5782,
SUBSTITUTE SENATE BILL NO. 5791,
SECOND SUBSTITUTE SENATE BILL NO. 5797,
SENATE BILL NO. 5829,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,
ENGROSSED SENATE BILL NO. 5833,
SENATE BILL NO. 5878,
SENATE BILL NO. 5886,
ENGROSSED SENATE BILL NO. 5888,
SECOND SUBSTITUTE SENATE BILL NO. 5909,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,
SENATE BILL NO. 6003,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6034,
SENATE BILL NO. 6066,
SENATE BILL NO. 6251,
SENATE BILL NO. 6252,
SENATE BILL NO. 6253,
SUBSTITUTE SENATE BILL NO. 6284,
SUBSTITUTE SENATE BILL NO. 6288,
SUBSTITUTE SENATE BILL NO. 6289,
SENATE BILL NO. 6317,
SENATE BILL NO. 6319,
SENATE BILL NO. 6323,
SENATE BILL NO. 6325,
SUBSTITUTE SENATE BILL NO. 6327,
SENATE BILL NO. 6337,
SUBSTITUTE SENATE BILL NO. 6343,
ENGROSSED SENATE BILL NO. 6352,
SECOND SUBSTITUTE SENATE BILL NO. 6356,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6359,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6368,
SENATE BILL NO. 6377,
SENATE BILL NO. 6383,
SUBSTITUTE SENATE BILL NO. 6393,
SENATE BILL NO. 6395,
SENATE BILL NO. 6405,
SUBSTITUTE SENATE BILL NO. 6407,
SENATE BILL NO. 6411,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6414,
SENATE BILL NO. 6420,
SENATE BILL NO. 6427,
SENATE BILL NO. 6432,

SENATE BILL NO. 6437,
SUBSTITUTE SENATE BILL NO. 6444,
SUBSTITUTE SENATE BILL NO. 6447,
SENATE BILL NO. 6458,
SENATE BILL NO. 6462,
SUBSTITUTE SENATE BILL NO. 6463,
SUBSTITUTE SENATE BILL NO. 6468,
SUBSTITUTE SENATE BILL NO. 6473,
SUBSTITUTE SENATE BILL NO. 6474,
SENATE BILL NO. 6476,
SENATE BILL NO. 6478,
SENATE BILL NO. 6480,
SENATE BILL NO. 6492,
SENATE BILL NO. 6494,
SENATE BILL NO. 6496,
SENATE BILL NO. 6497,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,
SUBSTITUTE SENATE BILL NO. 6501,
SUBSTITUTE SENATE BILL NO. 6504,
SENATE BILL NO. 6510,
SUBSTITUTE SENATE BILL NO. 6513,
SUBSTITUTE SENATE BILL NO. 6523,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524,
ENGROSSED SENATE BILL NO. 6525,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6531,
SUBSTITUTE SENATE BILL NO. 6534,
SUBSTITUTE SENATE BILL NO. 6536,
SUBSTITUTE SENATE BILL NO. 6540,
SUBSTITUTE SENATE BILL NO. 6547,
SUBSTITUTE SENATE BILL NO. 6548,
SENATE BILL NO. 6559,
ENGROSSED SENATE BILL NO. 6564,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6568,
SUBSTITUTE SENATE BILL NO. 6570,
SUBSTITUTE SENATE BILL NO. 6582,
SENATE BILL NO. 6584,
SENATE BILL NO. 6585,
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MESSAGE FROM THE SENATE

March 14, 2002

Mr. Speaker:

Under the provisions of the House Concurrent Resolution 4428, the following House Bills were returned to the House of Representatives:

SECOND SUBSTITUTE HOUSE BILL NO. 1011,
SECOND SUBSTITUTE HOUSE BILL NO. 1157,
HOUSE BILL NO. 1179,
SUBSTITUTE HOUSE BILL NO. 1277,
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HOUSE BILL NO. 1454,
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SECOND SUBSTITUTE HOUSE BILL NO. 1849,
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HOUSE BILL NO. 2170,
SECOND SUBSTITUTE HOUSE BILL NO. 2190,
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HOUSE JOINT MEMORIAL NO. 4023,
HOUSE JOINT MEMORIAL NO. 4024,
HOUSE JOINT MEMORIAL NO. 4027,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4411,

and the same are herewith transmitted.

Tony M. Cook, Secretary

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the 60th Day of the Regular Session of the 57th Legislature was dispensed with and it was ordered to stand approved.

On motion of Representative Kessler, the House of Representatives of the 57th Regular Legislative Session adjourned SINE DIE.

FRANK CHOPP, Speaker CYNTHIA ZEHNDER, Chief Clerk

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