

NINETY THIRD DAY

House Chamber, Olympia, Tuesday, April 12, 2005

The House was called to order at 10:00 a.m. by the Speaker (Representative Lovick presiding). The Clerk called the roll and a quorum was present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nathan Roberts and Julia Nixon. The Speaker (Representative Lovick presiding) led the Chamber in the Pledge of Allegiance. Prayer was offered by Reverend Mary Olney-Loyd, First Christian Church, Olympia.

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

MESSAGES FROM THE SENATE

April 11, 2005

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1012,
HOUSE BILL NO. 1072,
HOUSE BILL NO. 1211,
HOUSE BILL NO. 1385,
HOUSE BILL NO. 1487,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1577,
SUBSTITUTE HOUSE BILL NO. 1854,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 11, 2005

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1000,
SUBSTITUTE HOUSE BILL NO. 1431,
SUBSTITUTE HOUSE BILL NO. 1694,
HOUSE BILL NO. 1722,
HOUSE BILL NO. 1915,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2005-4657, By Representatives Kilmer, Sells, Campbell, Hudgins, Rodne, Upthegrove, Pettigrew and Lantz

WHEREAS, Over the course of our nation's military history, tens of thousands of war dogs served during World War I, World War II, Korea, Vietnam, the Gulf War, Bosnia, Kosovo peacekeeping operations, and coalition operations in Afghanistan and Iraq; and

WHEREAS, These war dogs were specifically trained for jobs like scout, sentry, tracker, mine and booby trap detection, tunnel, water patrol, coast guard, messenger, and search and rescue; and

WHEREAS, American's war dog teams have a long and legendary history of courage, heroism, and sacrifice on thousands of foreign fields of battle and are credited with saving countless numbers of lives of Americans, allies, and noncombatants; and

WHEREAS, War dogs have significantly reduced the enemy's capacity to sabotage or destroy war equipment worth billions of dollars; and

WHEREAS, War dogs work for food, water, and the love, loyalty, and bond of their handlers; and

WHEREAS, At the end of World War II the thousands of military working dogs were hailed as heroes and discharged from the military service and returned to the United States where many were repatriated with the families that donated them, while others were released to the custody of their handlers to live the rest of their lives in peace; and

WHEREAS, During the Vietnam War all dogs were classified as equipment and deemed expendable and most of the surviving dogs were either transferred to the South Vietnam Army for duty or euthanized; and

WHEREAS, The loving bond and extreme loyalty between dog and handler is unconditional and immeasurable and it was extremely difficult for the handlers in Vietnam to leave their dogs behind; and

WHEREAS, Veteran and current war dog handlers have joined together to create and fund a fitting memorial to war dogs to be placed in Washington, D.C.; and

WHEREAS, War dog handlers are asking Congress for permission to place the National War Dog Team Memorial in a place of honor in Washington, D.C.; and

WHEREAS, The National War Dog Team Memorial will give war dog handlers and other soldiers who relied on war dogs for their safety and survival the opportunity to have an enduring tribute to their loyal and loving companions and protectors;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives officially recognize the courage and

dedication of war dogs and the appropriateness of a fitting memorial to war dog teams in our nation's capital; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to all members of Washington State's congressional delegation and to the Washington State representative of the National War Dog Team Memorial, Mr. Bill Shoap of Port Orchard, Washington.

Representative Kilmer moved the adoption of the resolution.

Representatives Kilmer and Campbell spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4657 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Lovick presiding) recognized Bill Shoap, representing the National War Dog Memorial Committee for the State of Washington, accompanied by Sergeant Dan Jones with his dog, Rex and Sergeant Mike McPeak and his dog Annette, and asked the Chamber to acknowledge them.

INTRODUCTION & FIRST READING

HB 2314 by Representative McIntire

AN ACT Relating to revenue and taxation.

Referred to Committee on Finance.

HB 2315 By Representatives Hasegawa, Simpson, Moeller, Chase, Appleton, Flannigan, Conway, Morrell and P. Sullivan

AN ACT Relating to business and occupation taxation of investment income received by corporations; amending RCW 82.04.4281; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

SB 5948 By Senators Pridemore and Zarelli; by request of Department of Revenue

AN ACT Relating to unclaimed property; amending RCW 63.29.020, 63.29.180, 63.29.190, 63.29.220, and 63.29.280; and repealing RCW 63.29.033.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6043, By Senate Committee on Financial Institutions, Housing & Consumer Protection (originally sponsored by Senators Brandland, Fairley, Benson, Keiser, Schmidt, Spanel, Benton, Franklin, Berkey, Kohl-Welles and Rasmussen)

Addressing breaches of security that compromise personal information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Roach and Morrell spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6043.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6043 and the bill passed the House by the following vote: Yeas - 97, Nays - 1, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 97.

Voting nay: Representative Schual-Berke - 1.

SUBSTITUTE SENATE BILL NO. 6043, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5052, By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Kline and Rockefeller)

Creating the uniform estate tax apportionment act.

The bill was read the second time.

On motion of Representative Flannigan, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, 82nd Day, April 1, 2005.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lantz and Priest spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5052, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5052, as amended by the House, and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5052, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5729, By Senate Committee on Transportation (originally sponsored by Senators Rockefeller, Oke, Regala, Spanel, Sheldon, Shin, Poulsen, Jacobsen and Kohl-Welles)

Expanding considerations in setting ferry fares.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kilmer and Woods spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5729.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5729 and the bill passed the House by the following vote: Yeas - 98, Nays - 0, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 98.

SUBSTITUTE SENATE BILL NO. 5729, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5145, By Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin)

Establishing a boating safety education program.

The bill was read the second time.

On motion of B. Sullivan, the committee amendment by the Committee on Natural Resources, Ecology & Parks was before the House for purpose of amendments. (For committee amendment, see Journal, 85th Day, April 4, 2005.)

Representative Orcutt moved the adoption of amendment (440) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to establish a boating safety education program for persons convicted of a recreational boating safety violation to reduce accidents and increase the enjoyment of boating by all operators of all recreational vessels on the waters of this state.

Sec. 2. RCW 79A.60.010 and 2003 c 39 s 45 are each amended to read as follows:

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

(1) "Accredited course" means a mandatory course of instruction on boating safety education that has been approved by the commission.

(2) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.

((2)) (3) "Boater" means any person on a vessel on waters of the state of Washington.

((3)) (4) "Boater education card" means a card issued to a person who has successfully completed a boating safety education test and has paid the registration fee for a serial number record to be maintained in the commission's data base.

(5) "Boating educator" means a person providing an accredited course.

(6) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

((4)) (7) "Certificate of accomplishment" means a form of certificate approved by the commission and issued by a boating educator to a person who has successfully completed an accredited course.

(8) "Commission" means the state parks and recreation commission.

((5)) (9) "Darkness" means that period between sunset and sunrise.

((6)) (10) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.

((7)) (11) "Guide" means any individual, including but not limited to subcontractors and independent contractors, engaged for compensation or other consideration by a whitewater river outfitter for the purpose of operating vessels. A person licensed under RCW 77.65.480 or 77.65.440 and acting as a fishing guide is not considered a guide for the purposes of this chapter.

((8)) (12) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

((9)) (13) "Motor driven boats and vessels" means all boats and vessels which are self propelled.

((10)) (14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission in accordance with section 3 of this act.

(15) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.

((11)) (16) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

((12)) (17) "Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

((13)) (18) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.

((14)) (19) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

((15)) (20) "Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity located within or outside this state.

((16)) (21) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.

((17)) (22) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

((18)) (23) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.

((19)) (24) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.

((20)) (25) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.

((21)) (26) "Sewage pumpout or dump unit" means:

(a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and

(b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.

((22)) (27) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

((23)) (28) "Vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.

~~((24))~~ (29) "Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

~~((25))~~ (30) "Waters of the state" means any waters within the territorial limits of Washington state.

~~((26))~~ (31) "Whitewater river outfitter" means any person who is advertising to carry or carries passengers for hire on any whitewater river of the state, but does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

~~((27))~~ (32) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 79A.60.470 or as designated by the commission under RCW 79A.60.495.

NEW SECTION. Sec. 3. A new section is added to chapter 79A.60 RCW to read as follows:

(1) The commission shall establish and implement by rule a program to provide required recreational boating safety education for persons convicted of a boating safety violation under chapter 79A.60. To obtain a boater education card, a boater shall provide a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission.

(2) As part of the boating safety education program, the commission shall:

(a) Establish a program for required boater safety education for any recreational boater convicted of a boating safety violation under chapter 79A.60.020;

(b) Establish a minimum standard of boating safety education accomplishment. The standard must be consistent with the applicable standard established by the national association of state boating law administrators;

(c) Adopt minimum standards for boating safety education course of instruction and examination that ensures compliance with the national association of state boating law administrators minimum standards;

(d) Approve and provide accreditation to boating safety education courses operated by volunteers, or commercial or nonprofit organizations, including, but not limited to, courses given by the United States coast guard auxiliary and the United States power squadrons;

(e) Develop an equivalency examination that may be taken as an alternative to the boating safety education course;

(f) Establish a fee of ten dollars for the boater education card to fund all commission activities related to the boating safety education program created by this act, including the initial costs of developing the program. Any surplus funds resulting from the fees received shall be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.040;

(g) Establish a fee for the replacement of the boater education card that covers the cost of replacement;

(h) Consider and evaluate public agency and commercial opportunities to assist in program administration with the intent to keep administrative costs to a minimum;

(i) Approve and provide accreditation to boating safety education courses offered online; and

(j) Provide a report to the legislature by January 1, 2008, on its progress of implementation of the mandatory education program for persons convicted of a boating safety violation.

NEW SECTION. Sec. 4. A new section is added to chapter 79A.60 RCW to read as follows:

(1) No person convicted of a boating safety violation under chapter 79A.60 shall operate or permit the operation of motor driven boats and vessels with a mechanical power of fifteen horsepower or greater unless the person has in his or her possession a boater education card.

(2) Failure to possess a boater education card required by this section is an infraction under chapter 7.84 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 79A.60 RCW to read as follows:

The boating safety education certification account is created in the custody of the state treasurer. All receipts from fees collected for the issuance of a boater education card shall be deposited in the account and shall be used only for the administration of sections 3 and 4 of this act. Only the state parks and recreation commission may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative B. Sullivan spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives B. Sullivan and Buck spoke in favor of passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5145, as amended by the House,.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5145, as amended by the House, and the bill passed the House by the following vote: Yeas - 68, Nays - 30, Absent - 0, Excused - 0.

Voting yea: Representatives Anderson, Appleton, Buck, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunn, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa,

Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schual-Berke, Sells, Shabro, Simpson, Skinner, Sommers, Springer, Sullivan, B., Sullivan, P., Tom, Wallace, Walsh, Williams, Wood, Woods, and Mr. Speaker - 68.

Voting nay: Representatives Ahern, Alexander, Armstrong, Bailey, Blake, Buri, Chandler, Clements, Cox, Crouse, Curtis, DeBolt, Dunshee, Ericksen, Hinkle, Holmquist, Kretz, Kristiansen, Newhouse, Nixon, Orcutt, Pearson, Roach, Schindler, Serben, Strow, Sump, Takko, Talcott, and Upthegrove - 30.

SUBSTITUTE SENATE BILL NO. 5145, as amended by the House, having received the necessary constitutional majority, was declared passed.

**HOUSE CONCURRENT RESOLUTION NO. 4409,
By Representatives Kagi and Chase**

Creating the homeowners' association act committee.

The concurrent resolution was read the second time.

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

Representative Kagi spoke in favor of passage of the concurrent resolution.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4409.

HOUSE CONCURRENT RESOLUTION NO. 4409 was adopted.

SECOND SUBSTITUTE SENATE BILL NO. 5056, By Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Swecker, Prentice, Kastama, Fairley, Honeyford, Zarelli, Hewitt, Berkey, Fraser, Thibaudeau, Jacobsen, McAuliffe, Rasmussen, Kline and Rockefeller)

Creating the department of archaeology and historic preservation.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fromhold and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5056.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5056 and the bill passed the House by the following vote: Yeas - 93, Nays - 5, Absent - 0, Excused - 0.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Ormsby, Pearson, Pettigrew, Priest, Quall, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 93.

Voting nay: Representatives Kretz, Orcutt, Roach, Sump and Talcott - 5.

SECOND SUBSTITUTE SENATE BILL NO. 5056, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Poulsen, Morton, Rockefeller, Honeyford, Kline, Mulliken and Oke)

Updating the water quality joint development act to provide local government flexibility for improving drinking water and treatment services. (REVISED FOR ENGROSSED: Updating the water quality joint development act to provide local government flexibility.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Schindler spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5285.

MOTION

On motion of Representatives Clements, Representative Cox was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5285 and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Cox - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5477, By Senators Kline, Brandland, Hargrove, Esser, Fairley, Kastama, Shin, Pridemore, Weinstein, Haugen, Berkey, Prentice and Rockefeller

Revising sentencing procedures for exceptional sentences.

The bill was read the second time.

Representative Kagi moved the adoption of the following amendment (460):

On page 2, line 7, after "evidence." insert:

"While the legislature intends to bring the sentencing reform act into compliance as previously indicated, the legislature recognizes the need to restore the judicial discretion that has been limited as a result of the *Blakely* decision."

On page 9, after line 2, insert:

"NEW SECTION. Sec. 5. The Sentencing Guidelines Commission shall review the sentencing reform act as it relates to the sentencing grid, all provisions providing for exceptional sentences both above and below the standard sentencing ranges, and judicial discretion in sentencing. As part of its review, the Commission shall:

- study the relevant provisions of the sentencing reform act, including the provisions in this act;
- consider how to restore the judicial discretion which has been limited as a result of the *Blakely* decision;
- consider the use of advisory sentencing guidelines for all or any group of crimes;
- draft proposed legislation that seeks to address the limitations placed on judicial discretion in sentencing as a result of the *Blakely* decision; and
- determine the fiscal impact of any proposed legislation.

The Commission shall submit its findings and proposed legislation to the legislature no later than December 1, 2005."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Kagi and Pearson spoke in favor of adoption of the amendment.

The amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Bill No. 5477, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5477, as amended by the House, and the bill passed the House by the following vote: Yeas - 96, Nays - 1, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom,

Uptegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 96.

Voting nay: Representative Haler - 1.

Excused: Representative Cox - 1.

SENATE BILL NO. 5477, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5828, By Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide, McAuliffe and Kohl-Welles)

Regarding digital or online learning.

The bill was read the second time.

On motion of Representative Quall, the committee amendment by the Committee on Education was before the House for purpose of amendments. (For committee amendment, see Journal, 82nd Day, April 1, 2005.)

Representative Talcott moved the adoption of amendment (463) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.150 RCW to read as follows:

The legislature finds that digital learning courses and programs can provide students with opportunities to study subjects that may not otherwise be available within the students' schools, school districts, or communities. These courses can also meet the instructional needs of students who have scheduling conflicts, students who learn best from technology-based instructional methods, and students who have a need to enroll in schools on a part-time basis. Digital learning courses can also meet the needs of students and families seeking nontraditional learning environments. The legislature further finds that the state rules used by school districts to support some digital learning courses were adopted before these types of courses were created, so the rules are not well-suited to the funding and delivery of digital instruction. It is the intent of the legislature to clarify the funding and delivery requirements for digital learning courses.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.150 RCW to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through digital programs. "Digital programs" means electronically delivered learning that occurs primarily away from the classroom. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based

upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, a digital program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;

(3) Requiring each school district offering or contracting to offer a digital program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the digital program be provided by certificated instructional staff;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in a digital program, a learning plan that includes a description of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with certificated instructional staff at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning

programs to receive accreditation through the state accreditation program or through the regional accreditation program;

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more digital courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit."

Correct the title.

Representative Talcott and Quall spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Talcott, Hunter, Priest and Miloscia spoke in favor of passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5828, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5828, as amended by the House, and the bill passed the House by the following vote: Yeas - 97, Nays - 0, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Buri, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Ericksen, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Kristiansen, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Ormsby, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers,

Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 97.

Excused: Representative Cox - 1.

SUBSTITUTE SENATE BILL NO. 5828, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8014, By Senators Thibaudeau, Jacobsen, Fairley, Brown, Prentice, McAuliffe, Regala, Rockefeller, Fraser, Rasmussen, Weinstein, Kline, Keiser and Kohl-Welles

Requesting that the privatization of social security be rejected.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representative Kagi spoke in favor of passage of the joint memorial.

Representative Hinkle spoke against the passage of the joint memorial.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8014.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8014 and the joint memorial passed the House by the following vote: Yeas - 56, Nays - 41, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hankins, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kilmer, Kirby, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, O'Brien, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P., Takko, Upthegrove, Wallace, Williams, Wood and Mr. Speaker - 56.

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

Excused: Representative Cox - 1.

SENATE JOINT MEMORIAL NO. 8014, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5423, By Senators Haugen and Swecker

Authorizing creation of thematic collections of special plates. (REVISED FOR ENGROSSED: Regulating special license plates.)

The bill was read the second time.

On motion of Representative Wallace, the committee amendment by the Committee on Transportation was before the House for purpose of amendments. (For committee amendment, see Journal, 82nd Day, April 1, 2005.)

Representative Ericksen moved the adoption of amendment (464) to the committee amendment:

Beginning on page 1, line 3 of the committee amendment, strike the remainder of the amendment and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) The following special license plate series created by the legislature may be personalized: (a) RCW 46.16.301 as currently law; (b) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997; (c) RCW 46.16.305, except those plates issued under RCW 46.16.305(1) and (2); (d) RCW 46.16.324; (e) RCW 46.16.385; or (f) RCW 46.16.745.

(2) Personalized special plates issued under this section may be personalized only by using numbers or letters, or any combination thereof not exceeding seven positions, and not less than one position, to the extent that there are no conflicts with existing license plate series. A personalized special license plate is subject to the same requirements as personalized license plates listed in RCW 46.16.575, 46.16.580, 46.16.590, 46.16.595, and 46.16.600.

(3) In addition to any other fees and taxes due at the time of registration, applicants for a personalized special license plate must pay both the fees to purchase and renew a special plate as set out in the statute creating the special plate and the personalized plate as required in RCW 46.16.585 and 46.16.606. The special plate fee must be distributed in accordance with the requirements set out in the statute creating the special plate. The personalized plate fee must be distributed under RCW 46.16.605 and 46.16.606. The transfer of personalized special plates is to be administered under RCW 46.16.316.

Sec. 2. RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401 are each reenacted and amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of

all vehicle license plates may vary in color and design but must be legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the ~~((special license plate review board created under RCW 46.16.705))~~ department and enacted by the legislature may display a symbol or artwork approved by the ~~((special license plate review board))~~ department.

(3) By November 1, 2003, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

Sec. 3. RCW 46.16.316 and 2004 c 223 s 4, 2004 c 221 s 5, 2004 c 48 s 5, and 2004 c 35 s 5 are each reenacted and amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; ~~((or))~~ (b) approved by the ~~((special license plate review board))~~ department under RCW 46.16.715 through 46.16.775; or (c) under section 1 of this act sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 4. RCW 46.16.385 and 2004 c 222 s 1 are each amended to read as follows:

(1) The department shall design and issue disabled parking emblem versions of special license plates issued under (a) RCW 46.16.301; (b) RCW 46.16.305, except those plates issued under RCW 46.16.305(1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW 73.04.115; ~~((or))~~ (g) RCW 46.16.301(1) (a), (b), or (c), as it existed before amendment by section 5, chapter 291, Laws of 1997; (h) RCW 46.16.565; or (i) plates issued under section 1 of this act. The disabled parking emblem version of the special plate must display the universal symbol of access that may be used in lieu of the parking placard issued to persons who qualify for special parking privileges under RCW 46.16.381. The department may not charge an additional fee for the issuance of the special disabled parking emblem license plate, except the regular motor vehicle registration fee, the fee associated

with the particular special plate, and any other fees and taxes required to be paid upon registration of a motor vehicle. The emblem must be incorporated into the design of the special license plate in a manner to be determined by the department, and under existing vehicular licensing procedures and existing laws.

(2) Persons who qualify for special parking privileges under RCW 46.16.381, and who have applied and paid the appropriate fee for any of the special license plates listed in subsection (1) of this section, are entitled to receive from the department a special disabled parking emblem license plate. The special disabled parking emblem license plate may be used for one vehicle registered in the disabled person's name. Persons who have been issued the parking privileges or who are using a vehicle displaying the special disabled parking emblem license plate may park in places reserved for mobility disabled persons.

(3) The special disabled parking emblem license plate must be administered in the same manner as the plates issued under RCW 46.16.381.

(4) The department shall adopt rules to implement this section.

Sec. 5. RCW 46.16.570 and 1986 c 108 s 1 are each amended to read as follows:

Except for personalized plates issued under section 1 of this act, the personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department.

Sec. 6. RCW 46.16.600 and 1979 c 158 s 143 are each amended to read as follows:

(1) The director of licensing may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595.

(2) The department shall adopt a rule limiting the ability of organizations and governmental entities to apply for more than one license plate series.

Sec. 7. RCW 46.16.690 and 2003 c 361 s 502 are each amended to read as follows:

The department shall offer license plate design services to organizations that are sponsoring a new special license plate series or are seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of ~~((one thousand five))~~ two hundred dollars for providing license plate design services. This fee includes one original license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of ~~((five))~~ one hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account.

Sec. 8. RCW 46.16.725 and 2003 c 196 s 103 are each amended to read as follows:

~~(1) ((The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.~~

~~—(2))~~ The ((board)) department must review and either approve or reject special license plate applications submitted by sponsoring organizations. In reviewing special license plate applications, the department shall:

~~((3) Duties of the board include but are not limited to the following:))~~

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the legislative transportation committee;

(b) Report annually to the legislative transportation committee on the special license plate applications that were considered by the ~~((board))~~ department;

(c) Issue approval and rejection notification letters to sponsoring organizations, ~~((the department,))~~ the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The ~~((board))~~ department may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Adopt rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(2) In order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until June 1, 2007. During this period of time, the department of licensing is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the special license plate review board before February 15, 2005.

Sec. 9. RCW 46.16.745 and 2003 c 196 s 301 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate to the ~~((special license plate review board))~~ department must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section. ~~((If the sponsoring organization cannot meet the payment requirements of subsection (2) of this section, then the organization must meet the requirements of subsection (3) of this section.))~~

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under RCW 46.16.755~~((3))~~ (4);

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for ~~((the))~~ each special license plate and a financial analysis outlining the anticipated revenue and the planned

expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; ~~((and))~~

(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735;

~~(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.~~

~~(3) ((If the sponsoring organization is not able to meet the payment requirements of subsection (2)(a) of this section and can demonstrate this fact to the satisfaction of the department, the sponsoring organization shall:~~

~~— (a) Submit an application and nonrefundable fee of two thousand dollars, for deposit in the motor vehicle account, to the department;~~

~~— (b) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of two thousand intended purchases of the special license plate;~~

~~— (c) Provide a proposed license plate design;~~

~~— (d) Provide a marketing strategy outlining short and long-term marketing plans for the special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;~~

~~— (e) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate; and~~

~~— (f) Provide proof of organizational qualifications as determined by the department as provided in RCW 46.16.735.~~

~~((4)) After an application is approved by the ((special license plate review board)) department, the application need not be reviewed again by the ((board)) department for a period of three years.~~

Sec. 10. RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

(1)(a) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.16.745(3) must be deposited into the motor vehicle account until the department determines that the state's implementation costs have been fully reimbursed. The department shall apply the application fee required under RCW 46.16.745(3)(a) towards those costs.

(b) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the treasurer, and commence the distribution of the revenue as otherwise provided by law.

(2) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in RCW 46.16.745(3), must be deposited into the account. Only the director

of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

(4) The department shall provide the special license plate applicant with a written receipt for the payment.

(5) The department shall maintain a record of each special license plate applicant trust account deposit, including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(6) After the department receives written notice that the special license plate applicant's application has been:

(a) Approved by the legislature the director shall request that the money be transferred to the motor vehicle account;

(b) Denied by the ~~((special license plate review board))~~ department or the legislature the director shall provide a refund to the applicant within thirty days; or

(c) Withdrawn by the special license plate applicant the director shall provide a refund to the applicant within thirty days.

Sec. 11. RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

(1) A special license plate series created by the legislature after January 1, 2004, that has not been reviewed and approved by the special license plate review board or the department is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund. The creation and implementation of the plate series may not commence until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle account until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it is determined that the state has been fully reimbursed the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed license plate design to the department within thirty days of enactment of the legislation creating the plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Those plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign their plate series until all of the existing inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) RCW 46.16.705 (Special license plate review board--Created) and 2003 c 196 s 101; and
- (2) RCW 46.16.715 (Board--Administration) and 2003 c 196 s 102.

NEW SECTION. Sec. 13. Section 1 of this act takes effect March 1, 2007."

Correct the title.

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wallace spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5423, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5423, as amended by the House, and the bill passed the House by the following vote: Yeas - 63, Nays - 34, Absent - 0, Excused - 1.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McDermott, McIntire, Miloscia, Moeller, Morrell, Morris, Murray, Nixon, O'Brien, Orcutt, Ormsby, Pettigrew, Quall, Roberts, Santos, Schual-Berke, Sells, Simpson, Sommers, Springer, Sullivan, B., Sullivan, P.,

Takko, Tom, Upthegrove, Wallace, Walsh, Williams, Wood, Woods and Mr. Speaker - 63.

Voting nay: Representatives Ahern, Alexander, Anderson, Armstrong, Bailey, Buck, Buri, Chandler, Clements, Condotta, Crouse, Curtis, DeBolt, Dunn, Ericksen, Haler, Hankins, Hinkle, Holmquist, Kristiansen, McCune, McDonald, Newhouse, Pearson, Priest, Roach, Rodne, Schindler, Serben, Shabro, Skinner, Strow, Sump and Talcott - 34.

Excused: Representative Cox - 1.

ENGROSSED SENATE BILL NO. 5423, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5513, By Senators Haugen, Shin, Kohl-Welles, Rasmussen, Fairley and Prentice

Restructuring certain transportation agencies.

The bill was read the second time.

On motion of Representative Murray, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, 85th Day, April 4, 2005.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Murray, Woods, Kessler, Buck, Campbell and Hankins spoke in favor of passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Lovick presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5513, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5513, as amended by the House, and the bill passed the House by the following vote: Yeas - 92, Nays - 5, Absent - 0, Excused - 1.

Voting yea: Representatives Ahern, Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Buck, Campbell, Chandler, Chase, Clements, Clibborn, Cody, Condotta, Conway, Crouse, Curtis, Darneille, DeBolt, Dickerson, Dunn, Dunshee, Eickmeyer, Ericks, Flannigan, Fromhold, Grant, Green, Haigh, Haler, Hankins, Hasegawa, Hinkle, Holmquist, Hudgins, Hunt, Hunter, Jarrett, Kagi, Kenney, Kessler, Kilmer, Kirby, Kretz, Lantz, Linville, Lovick, McCoy, McCune, McDermott, McDonald, McIntire, Miloscia, Moeller, Morrell,

Morris, Murray, Newhouse, Nixon, O'Brien, Orcutt, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Santos, Schindler, Schual-Berke, Sells, Serben, Shabro, Simpson, Skinner, Sommers, Springer, Strow, Sullivan, B., Sullivan, P., Sump, Takko, Talcott, Tom, Upthegrove, Wallace, Walsh, Williams, Woods and Mr. Speaker - 92.

Voting nay: Representatives Buri, Ericksen, Kristiansen, Ormsby and Wood - 5.

Excused: Representative Cox - 1.

ENGROSSED SENATE BILL NO. 5513, as amended by the House, having received the necessary constitutional majority, was declared passed.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1032,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1079,
 HOUSE BILL NO. 1092,
 HOUSE BILL NO. 1112,
 SUBSTITUTE HOUSE BILL NO. 1117,
 HOUSE BILL NO. 1125,
 HOUSE BILL NO. 1138,
 HOUSE BILL NO. 1161,
 SUBSTITUTE HOUSE BILL NO. 1196,
 HOUSE BILL NO. 1202,
 HOUSE BILL NO. 1232,
 HOUSE BILL NO. 1262,
 HOUSE BILL NO. 1286,
 HOUSE BILL NO. 1356,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
 HOUSE BILL NO. 1405,
 HOUSE BILL NO. 1407,
 HOUSE BILL NO. 1409,
 SUBSTITUTE HOUSE BILL NO. 1491,
 SECOND SUBSTITUTE HOUSE BILL NO. 1542,
 HOUSE BILL NO. 1621,
 HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1695,
 SUBSTITUTE HOUSE BILL NO. 1806,
 HOUSE BILL NO. 1832,
 SUBSTITUTE HOUSE BILL NO. 1918,
 SUBSTITUTE HOUSE BILL NO. 1945,
 HOUSE BILL NO. 1958,
 HOUSE BILL NO. 2028,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5002,
 SENATE BILL NO. 5006,
 SENATE BILL NO. 5044,
 ENGROSSED SENATE BILL NO. 5045,
 SENATE BILL NO. 5046,
 SENATE BILL NO. 5053,
 SUBSTITUTE SENATE BILL NO. 5065,
 ENGROSSED SENATE BILL NO. 5087,
 SUBSTITUTE SENATE BILL NO. 5092,

SUBSTITUTE SENATE BILL NO. 5105,
 SENATE BILL NO. 5136,
 SENATE BILL NO. 5142,
 SUBSTITUTE SENATE BILL NO. 5146,
 SECOND SUBSTITUTE SENATE BILL NO. 5154,
 SUBSTITUTE SENATE BILL NO. 5161,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5173,
 SENATE BILL NO. 5175,
 SUBSTITUTE SENATE BILL NO. 5176,
 SENATE BILL NO. 5180,
 SENATE BILL NO. 5181,
 ENGROSSED SENATE BILL NO. 5194,
 SUBSTITUTE SENATE BILL NO. 5207,
 SENATE BILL NO. 5267,
 SUBSTITUTE SENATE BILL NO. 5289,
 SUBSTITUTE SENATE BILL NO. 5317,
 ENGROSSED SENATE BILL NO. 5332,
 SENATE BILL NO. 5354,
 SENATE BILL NO. 5453,
 SUBSTITUTE SENATE BILL NO. 5471,
 SUBSTITUTE SENATE BILL NO. 5479,
 SUBSTITUTE SENATE BILL NO. 5497,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5506,
 SENATE BILL NO. 5563,
 SUBSTITUTE SENATE BILL NO. 5584,
 SENATE BILL NO. 5589,
 SUBSTITUTE SENATE BILL NO. 5676,
 SENATE BILL NO. 5701,
 SUBSTITUTE SENATE BILL NO. 5709,
 SENATE BILL NO. 5713,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5736,
 SUBSTITUTE SENATE BILL NO. 5765,
 SUBSTITUTE SENATE BILL NO. 5775,
 SENATE BILL NO. 5809,
 SENATE BILL NO. 5831,
 SUBSTITUTE SENATE BILL NO. 5832,
 SENATE BILL NO. 5833,
 SENATE BILL NO. 5857,
 SUBSTITUTE SENATE BILL NO. 5862,
 SENATE BILL NO. 5869,
 ENGROSSED SENATE BILL NO. 5966,
 SUBSTITUTE SENATE BILL NO. 5969,
 SENATE BILL NO. 5974,
 SENATE BILL NO. 5977,

POINT OF PERSONAL PRIVILEGE

Representative Hankins:

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 13, 2005, the 94th Day of the Regular Session.

FRANK CHOPP, Speaker

RICHARD NAFZIGER, Chief Clerk

Draft

1000
Messages 1

1012-S
Messages 1

1032
Speaker Signed 14

1072
Messages 1

1079-S
Speaker Signed 14

1092
Speaker Signed 14

1112
Speaker Signed 14

1117-S
Speaker Signed 14

1125
Speaker Signed 14

1138
Speaker Signed 14

1161
Speaker Signed 14

1196-S
Speaker Signed 14

1202
Speaker Signed 14

1211
Messages 1

1232
Speaker Signed 14

1262
Speaker Signed 14

1286
Speaker Signed 14

1356
Speaker Signed 14

1385
Messages 1

1401-S
Speaker Signed 14

1405
Speaker Signed 14

1407
Speaker Signed 14

1409
Speaker Signed 14

1431-S
Messages 1

1487
Messages 1

1491-S
Speaker Signed 14

1542-S2
Speaker Signed 14

1577-S
Messages 1

1621	Speaker Signed	14
1625	Speaker Signed	14
1694-S	Messages	1
1695	Speaker Signed	14
1722	Messages	1
1806-S	Speaker Signed	14
1832	Speaker Signed	14
1854-S	Messages	1
1915	Messages	1
1918-S	Speaker Signed	14
1945-S	Speaker Signed	14
1958	Speaker Signed	14
2028	Speaker Signed	14
2314	Introduction & 1st Reading	2
2315	Introduction & 1st Reading	2
4409	Second Reading	6
	Adopted	6
4657 Honoring War Dogs	Introduced	1
	Adopted	2
5002-S	Speaker Signed	14
5006	Speaker Signed	14
5044	Speaker Signed	14
5045	Speaker Signed	14
5046	Speaker Signed	14
5052-S	Second Reading Amendment	3
	Third Reading Final Passage	3
5053	Speaker Signed	14
5056-S2	Second Reading	6
	Third Reading Final Passage	6
5065-S	Speaker Signed	14

5087	Speaker Signed	14
5092-S	Speaker Signed	14
5105-S	Speaker Signed	14
5136	Speaker Signed	14
5142	Speaker Signed	14
5145-S	Second Reading Amendment	3
	Third Reading Final Passage	6
5146-S	Speaker Signed	14
5154-S2	Speaker Signed	14
5161-S	Speaker Signed	14
5173-S	Speaker Signed	14
5175	Speaker Signed	14
5176-S	Speaker Signed	14
5180	Speaker Signed	14
5181	Speaker Signed	14
5194	Speaker Signed	14
5207-S	Speaker Signed	14
5267	Speaker Signed	14
5285-S	Second Reading	6
	Third Reading Final Passage	7
5289-S	Speaker Signed	14
5317-S	Speaker Signed	14
5332	Speaker Signed	14
5354	Speaker Signed	14
5423	Second Reading Amendment	10
	Third Reading Final Passage	13
5453	Speaker Signed	14
5471-S	Speaker Signed	14
5477	Second Reading Amendment	7
	Third Reading Final Passage	8

5479-S	Speaker Signed	14
5497-S	Speaker Signed	14
5506-S	Speaker Signed	14
5513	Second Reading Amendment	13
	Third Reading Final Passage	14
5563	Speaker Signed	14
5584-S	Speaker Signed	14
5589	Speaker Signed	14
5676-S	Speaker Signed	14
5701	Speaker Signed	14
5709-S	Speaker Signed	14
5713	Speaker Signed	14
5729-S	Second Reading	3
	Third Reading Final Passage	3
5736-S	Speaker Signed	14
5765-S	Speaker Signed	14
5775-S	Speaker Signed	14
5809	Speaker Signed	14
5828-S	Second Reading Amendment	8
	Third Reading Final Passage	9
5831	Speaker Signed	14
5832-S	Speaker Signed	14
5833	Speaker Signed	14
5857	Speaker Signed	14
5862-S	Speaker Signed	14
5869	Speaker Signed	14
5948	Introduction & 1st Reading	2
5966	Speaker Signed	14
5969-S	Speaker Signed	14
5974		

Speaker Signed 14

5977 Speaker Signed 14

6043-S

 Second Reading 2

 Third Reading Final Passage 2

8014

 Second Reading 9

 Third Reading Final Passage 10

HOUSE OF REPRESENTATIVES (Representative Lovick presiding)

 Point of Personal Privilege: Representative Hankins 14

SPEAKER OF THE HOUSE (Representative Lovick presiding)

 Speaker's Privilege: Recognizing War Dog Handlers 2

